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COLLECTION,

CONTAINING THE

DECLARATION OF INDEPENDENCE,

THE

CONSTITUTION

OF THE

UNITED STATES

AND ITS

AMENDMENTS,

THE

TREATY OF CESSION

BETWEEN THE

UNITED STATES

AND THE

FRENCH REPUBLIC,

AS ALSO

THE LAWS AND ORDINANCES OF CONGRESS FOR THE
GOVERNMENT OF THE TERRITORY OF ORLEANS
AND TWO ORDINANCES OF THE GOVERNOR
AND INTENDANT OF LOUISIANA.

BY AUTHORITY.

NEW - ORLEANS,

PRINTED BY THIERRY & DACQUENY, PRINTERS OF THE
LAWS OF THE UNITED STATES AND OF THE TERRITORY.

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1810.

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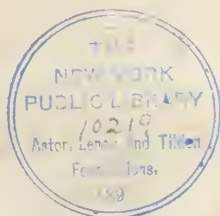
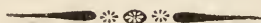


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DECLARATION OF *INDEPENDENCE.*



IN CONGRESS, JULY 4, 1776.

WHEN in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident : that all men are created equal ; that they are endowed, by their Creator, with certain unalienable rights ; that among these are life, liberty, and the pursuit of happiness.—That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed ; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate, that governments long established, should

not be changed for light and transient causes ; and accordingly, all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies ; and such is now the necessity which constrains them to alter their former systems of government. The history of the present King of Great-Britain, is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these states. To prove this, let facts be submitted to a candid world.

He has refused his assent to laws the most wholesome and necessary for the public good.

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained ; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature ; a right inestimable to them, and formidable to tyrants only. He has called together legislative bodies at places unusual, uncomfortable,

and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved representative houses repeatedly, for opposing, with manly firmness, his invasions on the rights of the people.

He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise; the state remaining, in the mean time, exposed to all the dangers of invasion from without, and convulsions within.

He has endeavored to prevent the population of these states; for that purpose obstructing the laws for naturalization of foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new appropriations of lands.

He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers.

He has made judges dependant on his will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of new offices, sent hither swarms of officers, to harass our people and eat out their substance.

He has kept among us, in times of peace, standing armies, without the consent of our legislatures.

He has affected to render the military independent of, and superior to the civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws ; giving his assent to their acts of pretended legislation :

For quartering large bodies of troops among us :

For protecting them, by a mock trial, from punishment for any murders which they should commit on the inhabitants of these states :

For cutting off our trade with all parts of the world :

For imposing taxes on us without our consent :

For depriving us, in many cases, of the benefits of trial by jury :

For transporting us beyond seas to be tried for pretended offences :

For abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies :

For taking away our charters, abolishing our most valuable laws, and altering fundamentally the forms of our governments :

For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated government here, by declaring us out of his protection, and waging war against us.

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is, at this time, transporting large armies of foreign mercenaries to complete the works of death, desolation, and tyranny, already begun with circumstances of cruelty and perfidy, scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

He has constrained our fellow citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

He has excited domestic insurrections amongst us, and has endeavored to bring on the inhabitants of our frontiers, the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these oppressions, we have petitioned for redress in the most humble terms: Our repeated petitions have been answered only by repeated injury. A prince, whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in attentions to our British brethren. We have warned them, from time to time, of attempts by their legislature to extend an un-

warrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred, to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity which denounces our separation, and hold them, as we hold the rest of mankind, enemies in war, in peace, friends.

WE, therefore, the representatives of the United States of America, in general Congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name, and by authority of the good people of these colonies, solemnly publish and declare, That these United Colonies are, and of right ought to be, Free and Independent States; that they are absolved from all allegiance to the British Crown, and that all political connection between them and the state of Great Britain, is, and ought to be, totally dissolved; and that as Free and Independent States, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which Independent States may of right do. And for the support of this declaration, with a firm reliance on the protection

of Divine Providence, we mutually pledge to each other, our lives, our fortunes, and our sacred honor.

JOHN HANCOCK.

New-Hampshire.

Josiah Bartlett, William Whipple, Mathew Thornton.

Massachusetts-Bay.

Samuel Adams, John Adams, Robert Treat Paine, Elbridge Gerry.

Rhode Island, &c.

Stephen Hopkins, William Ellery.

Connecticut.

Roger Sherman, Samuel Huntington, William Williams, Oliver Wolcott.

New York.

William Floyd, Philip Livingston, Francis Lewis, Lewis Morris.

New-Jersey.

Richard Stockton, John Witherspoon, Francis Hopkinson, John Hart, Abraham Clark.

Pennsylvania.

Robert Morris, Benjamin Rush, Benj. Franklin, John Morton, Geo. Cly-

mer, James Smith, Geo. Taylor, James Wilson, George Ross.

Delaware.

Cesar Rodney, George Read, Thomas McKean.

Maryland.

Samuel Chase, William Paca, Thomas Stone, Chs. Carroll, of Carrollton.

Virginia.

George Washington, Richard H. Lee, Thomas Jefferson, Benj. Harrison, Thos. Nelson, jun. Fr. Lightfoot Lee, Carter Braxton.

North Carolina.

William Hooper, Joseph Hewes, John Penn.

South-Carolina.

Edward Rutledge, Thos. Heyward, jun. Thomas Lynch, jun. Arthur Middleton.

Georgia.

Button Gwinnett, Lyman Hall, George Walton.



RESOLVED

BY the Legislative Council and House of Representatives of the Territory of Orleans in general assembly convened, That there be printed at the expense of the Territory, in the French and English languages, two hundred copies of the Constitution of the United States, and of all the Amendments thereto, since the adoption of the said Constitution, of the Treaty of Cession of Louisiana to the United States, and of all the Acts of Congress which relate particularly to the Territory of Orleans.

Resolved further, That twenty-five of the said copies be delivered to the Secretary of the Legislative Council, for the use of the Members of the Council, and that the hundred and seventy-five other copies be delivered to the Clerk of the House of Representatives for the use of the members of the said House.

THOS. URQUHART,

Speaker of the House of Representatives.

J. D. DEGOUTIN BELLECHASSE,

President of the Legislative Council.

Approved, February 1st 1810.

WILLIAM C. C. CLAIBORNE,

Governor of the Territory of Orleans.

CONSTITUTION

OF THE

UNITED STATES OF AMERICA.

WE, the People of the United States, in order to form a more perfect Union, establish Justice, insure Domestic Tranquility, provide for the Common Defence, promote the General Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, *do ordain and establish this Constitution for the United States of America.*

ARTICLE I.

Sec. 1. All Legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Sec. 2 The House of Representatives shall be composed of members chosen every second year by the people of the several states ; and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and

who shall not, when elected, be an inhabitant of that state in which he shall be chosen.

Representatives and direct taxes shall be apportioned among the several states which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each state shall have at least one Representative ; and until such enumeration shall be made, the state of New-Hampshire shall be entitled to chuse three ; Massachusetts, eight ; Rhode-Island and Providence Plantations, one ; Connecticut, five ; New-York, six ; New Jersey, four ; Pennsylvania, eight ; Delaware, one ; Maryland, six ; Virginia, ten ; North-Carolina, five ; South Carolina, five ; and Georgia, three.

When vacancies happen in the Representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies.

The House of Representatives shall chuse their Speaker and other officers ; and shall have the sole power of Impeachment.

Sect. 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years ; and each Senator shall have one vote.

Immediately after they shall be assembled, in consequence of the first election, they shall be divided as equal as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year ; so that one third may be chosen every second year ; and if vacancies happen by resignation, or otherwise, during the recess of the Legislature of any State, the executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies.

No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not when elected, be an inhabitant of that state for which he shall be chosen.

The Vice-President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

The Senate shall choose their other officers, and also a President *pro tempore*, in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

The Senate shall have the sole power to try all Impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside ; and no person shall be convicted without the concurrence of two thirds of the members present.

Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under the United States ; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment according to law.

Sec. 4. The times, places and manner of holding elections for Senators and Representatives, shall be prescribed in each state by the Legislature thereof : But the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

Sec. 5. Each House shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business ; but a smaller number may adjourn from day to day, and may be authorised to compel the attendance of absent members, in such manner and under such penalties, as each House may provide.

Each House may determine the rules of its proceedings, punish its members for disorderly behaviour, and, with the concurrence of two-thirds, expel a member.

Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may, in their judgment, require secrecy ; and the yeas and nays of the members of either House on any question, shall, at the desire of one fifth of those present, be entered on the journal.

Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

Sec. 6. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the U. States. They shall in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same ; and for any speech or debate in either House, they shall not be questioned in any other place.

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time ; and no person holding any office under the United States,

shall be a member of either House during his continuance in office.

Sec. 7. All bills for raising revenue shall originate in the House of Representatives ; but the Senate may propose or concur with amendments as on other bills.

Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the U. States : If he approve, he shall sign it ; but if not, he shall return it with his objections, to that House in which it shall have originated, who shall enter the objections at large on their journal and proceed to reconsider it. If after such re-consideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be re-considered, and if approved by two-thirds of that House, it shall become a law. But in all such cases, the votes of both Houses shall be determined by yeas and nays ; and the names of the persons voting for and against the bill, shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in the like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

Every order, resolution or vote to which the concurrence of the Senate and House of Representatives

may be necessary (except on a question of adjournment) shall be presented to the President of the United States, and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be re-passed by two-thirds of the Senate and House of Representatives, according to the rules and limitation prescribed in the case of a bill.

Sec. 8. The Congress shall have power—

To lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defence and general welfare of the United States ; but all duties, imposts and excises, shall be uniform throughout the United States :

To borrow money on the credit of the U States :

To regulate commerce with foreign nations, and among the several states, and with the Indian tribes :

To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States :

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures :

To provide for the punishment of counterfeiting the securities and current coin of the United States :

To establish post-offices and post roads :

To promote the progress of science and useful arts, by securing, for limited times, to authors and

inventors, the exclusive right to their respective writings and discoveries :

To constitute tribunals inferior to the supreme court :

To define and punish piracies and felonies committed on the high seas, and offences against the law of nations :

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water :

To raise and support armies ; but no appropriation of money to that use shall be for a longer term than two years :

To provide and maintain a navy :

To make rules for the government and regulation of the land and naval forces :

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions :

To provide for organizing, arming and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress :

To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may by cession of particular states, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings :—And

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

Sec. 9. The migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight ; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

The privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

No bill of attainder or *ex post facto* law shall be passed.

No capitation, or other direct tax shall be laid unless in proportion to the *census* or enumeration herein before directed to be taken.

No tax or duty shall be laid on articles exported from any state. No preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another ; nor shall vessels bound to, or from, one state be obliged to enter, clear or pay duties in another.

No money shall be drawn from the treasury, but in consequence of appropriations made by law ; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States : and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title of any kind whatever, from any king, prince or foreign state.

Sec. 10. No state shall enter into any treaty, alliance or confederation ; grant letters of marque and reprisal ; coin money ; emit bills of credit ; make any thing but gold and silver coin a tender in payment of debts ; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or grant any title of nobility.

No state shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws ; and the nett produce of all duties and imposts, laid by any state on imports or exports, shall be for the use of the treasury of the United

States, and all such laws shall be subject to the revision and control of the Congress. No state shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another state, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II.

Sec. 1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice-President, chosen for the same term, be elected as follows :

Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the state may be entitled in the Congress ; but no Senators or Representative or persons holding an office of trust or profit under the United States, shall be appointed an elector.

The electors shall meet in their respective states, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same state with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each ; which list they shall sign and certify, and transmit, sealed, to the seat of the government of the United States, directed to the President of the Senate.

The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed ; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President ; and if no person have a majority, then from the five highest on the list the said house shall in like manner chuse the President. But in chusing the President, the votes shall be taken by states, the representation from each state having one vote ; a quorum for this purpose shall consist of a member or members from two thirds of the states and a majority of all the states shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice-President. But if there should remain two or more who have equal votes, the Senate shall chuse from them by ballot the Vice-President.

The Congress may determine the time of chusing the electors, and the day on which they shall give their votes ; which day shall be the same throughout the United States.

No person except a natural born citizen, or a citizen of the United States, at the time of the adoption of this constitution, shall be eligible to the office of

President ; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

In case of the removal of the President from office, or of his death, resignation or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President ; and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President ; and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

The President shall, at stated times, receive for his services, a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected ; and he shall not receive within that period any other emolument from the United States, or any of them.

Before he enter on the execution of his office, he shall take the following oath or affirmation :

“ I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States ; and will, to the best of my ability, preserve, protect and defend the constitution of the United States.”

Sec. 2. The President shall be commander in chief of the army and navy of the United States, and of

the militia of the several states, when called into the actual service of the United States ; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices ; and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the Senators present concur ; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the supreme court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law : But the Congress may, by law, vest the appointment of such inferior officers as they think proper, in the President alone, in the courts of law, or in the heads of departments.

The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of the next session.

Sec. 3. He shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration, such measures as he shall judge necessary and expedient ; he may on extraordinary occasions, convene both Houses, or

either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper ; he shall receive ambassadors and other public ministers ; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

Sec. 4. The President, Vice-President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of treason, bribery or other high crimes and misdemeanors.

ARTICLE III.

Sec. 1. The judicial power of the United States, shall be vested in one supreme court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior court, shall hold their offices during good behaviour ; and shall at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office,

Sec. 2. The judicial power shall extend to all cases in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority ; to all cases affecting ambassadors, other public ministers, and consuls ; to all cases of admiralty and maritime jurisdiction ; to controversies to which the United

States shall be a party : to controversies between two or more states, between a state and citizen of another state, between citizens of different states, between citizens of the same state claiming lands under grant of different states, and between a state, or the citizens thereof, and foreign states, citizens, or subjects.

In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be party, the Supreme Court shall have original jurisdiction. In all other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations, as the Congress shall make.

The trial of all crimes, except in cases of impeachment, shall be by jury ; and such trial shall be held in the state where the said crimes shall have been committed ; but when not committed within any state, the trial shall be at such place or places, as the Congress may by law have directed.

Sec. 3. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

ARTICLE IV.

Sec. 1. Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state. And the Congress may, by general laws, prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof.

Sec. 2. The citizens of each state shall be entitled to all the privileges and immunities of citizens in the several states.

A person charged in any state with treason, felony, or other crime, who shall flee from justice and be found in another state, shall on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime.

No person held to service or labor in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

Sec. 3. New states may be admitted by the Congress into this Union ; but no new state shall be formed or erected within the jurisdiction of another state, nor any state be formed by the junction of two or more states, or parts of states without the consent of the Legislatures of the states concerned, as well as of the Congress.

The Congress shall have power to dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the United States ; and nothing in this constitution shall be so construed as to prejudice any claims of the United States or of any particular state. .

Sec. 4. The United States shall guarantee to every state in this Union, a republican form of government, and shall protect each of them against invasion ; and on application of the Legislature, or of the executive, (when the Legislature cannot be convened,) against domestic violence.

ARTICLE V.

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose amendments to this constitution, or, on the application of the Legislatures of two thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid, to all intents and purposes, as part of this constitution, when ratified by the legislatures of three fourths of the several states, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress ; provided, that no amendment, which may be made prior to the year one thousand eight hundred and eight, shall in any manner affect the first and fourth clauses in the ninth section of the first article ; and that no state, without its consent shall be deprived of its equal suffrage in the Senate.

ARTICLE VI.

All debts contracted and engagements entered into, before the adoption of this constitution, shall be as valid against the United States under this constitution as under the Confederation.

This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made under the authority of the United States, shall be the supreme law of the land ; and the judges in every state shall be bound thereby ; any thing in the constitution or laws of any state to the contrary notwithstanding.

The Senators and Representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation, to support this constitution ; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII.

The ratification of the conventions of nine states,

shall be sufficient for the establishment of this constitution between the states so ratifying the same.

Done in Convention, by the unanimous consent of the States present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the Independence of the United States of America the twelfth. In Witness whereof we have hereunto subscribed our names.

GEORGE WASHINGTON,
President, and Deputy from Virginia.

NEW-HAMPSHIRE.

*John Langdon,
Nicholas Gilman.*

MASSACHUSETTS.

*Nathaniel Gorham,
Rufus King.*

CONNECTICUT.

*William Samuel Johnson,
Roger Sherman.*

NEW-YORK.

Alexander Hamilton.

NEW-JERSEY.

*William Livingston,
David Brearly,
William Paterson,
Jonathan Dayton.*

PENNSYLVANIA.

*Benjamin Franklin,
Thomas Mifflin,
Robert Morris,
George Clymer,
Thomas Fitzsimons,
Jared Ingersoll,
James Wilson,
Gouverneur Morris,*

DELAWARE.

*George Read,
Gunning Bedford, jun'r.
John Dickinson,
Richard Bassett,
Jaco. Broom.*

MARYLAND.

*James M^cHenry,
Dan. of St. Thomas Jenifer,
Daniel Carroll,*

VIRGINIA.

*John Blair,
James Madison, jun'r.*

NORTH-CAROLINA.

*William Blount,
Richard Dobbs Spaight,
Hu. Williamson,*

SOUTH-CAROLINA.

*J. Rutledge,
Charles Cotesworth Pinckney,
Charles Pinckney,
Pierce Butler,*

GEORGIA.

*William Few,
Abr. Baldwin,*

ATTEST, WILLIAM JACKSON, *Secretary.*

AMENDMENTS
TO THE
CONSTITUTION
OF THE
UNITED STATES.

CONGRESS OF THE UNITED STATES
BEGUN AND HELD AT THE CITY OF NEW-YORK ON
WEDNESDAY THE FOURTH OF MARCH, ONE THOU-
SAND SEVEN HUNDRED AND EIGHTY-NINE.

The Conventions of a number of the States, having at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction, or abuse of its powers, that further declaratory and restrictive clauses should be added: and as extending the ground of public confidence in the government will best ensure the benificent ends of its institution—

RESOLVED by the Senate and House of Representatives of the United States of America, in Congress assembled, two thirds of both Houses concurring, that the following articles be proposed to the Legislatures of the several States as amendments to the Consitution of the United States, all or any of which articles, when ratified by three fourths of the said Legislatures, to be valid to all intents and purposes, as a part of the said Constitution : viz.

Articles in addition to, and amendment of, the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several states, pursuant to the fifth article of the original Constitution.

ARTICLE I.

AFTER the first enumeration required by the first article of the Constitution, there shall be one representative for every thirty thousand, until the number shall amount to one hundred, after which the proportion shall be so regulated by Congress, that there shall be not less than one hundred representatives, nor less than one representative for every forty thousand persons, until the number of representatives shall amount to two hundred; after which the proportion shall be so regulated by Congress, that there shall be not less than two hundred representatives, nor more than one representative for every fifty thousand persons.

ARTICLE II.

No law varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened.

ARTICLE III.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

ARTICLE IV.

A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

ARTICLE V.

No soldier shall in time of peace be quartered in any house, without the consent of the owner ; nor in time of war, but in a manner to be prescribed by law.

ARTICLE VI.

The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated and no warrants shall issue, but on probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE VII.

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger ; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb ; nor shall be compelled, in any criminal case, to be witness against himself nor be deprived of life, liberty, or property, without due process of law ; nor shall private property be taken for public use without just compensation.

ARTICLE VIII.

In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favour, and to have the assistance of counsel for his defence.

ARTICLE IX.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact, tried by a jury, shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

ARTICLE X.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

ARTICLE XI.

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

ARTICLE XII.

The powers not delegated to the United States by

the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

FREDERICK A. MUHLENBERG,

Speaker of the House of Representatives.

JOHN ADAMS, *Vice-President of the United States, and President of the Senate.*

Attest,

JOHN BECKLEY, *Clerk of the House of Representatives.*

SAMUEL A. OTIS, *Secretary of the Senate.*

Note. *The ten last articles of amendments have been adopted by three fourths of the legislatures of the several states in the Union, and are become a part of the Constitution of the United States. The two first articles have not been adopted.*

THIRD CONGRESS OF THE UNITED STATES

At a second session, begun and held at the City of Philadelphia, in the state of Pennsylvania, on Monday, the second of December, one thousand seven hundred and ninety-three.

RESOLVED *by the Senate and House of Representatives of the United States of America, in Congress assembled, two thirds of both Houses concurring*, That the following article be proposed to the legislatures of the several states, as an amendment to the Constitution of the United States ; which, when ratified by three-fourths of the said legislatures, shall be valid as part of the said Constitution, viz.

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS, *Vice-President of the
United States, and President of the Senate.*

Attest,

JOHN BECKLEY,
Clerk of the House of Representatives.

SAMUEL A. OTIS,
Secretary of the Senate.

NOTE. *This Resolution was ratified by three-fourths of the States. See Journals of Congress, January 8th, and February 5th, 1798.*

EIGHTH CONGRESS OF THE UNITED STATES

At the first session, begun and held at the City of Washington, in the Territory of Columbia, on Monday the seventeenth of October, one thousand eight hundred and three.

RESOLVED by the Senate and House of Representatives of the United States of America, in Congress assembled, two-thirds of the Houses concurring, That in lieu of the third paragraph of the first section of the second article of the Constitution of the United States, the following be proposed as an amendment to the Constitution of the United States, which when ratified by three fourths of the legislatures of the several states, shall be valid to all intents and purposes, as part of the said Constitution, to wit:

The electors shall meet in their respective states, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballot the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of government of the United States, directed to the President of the Senate; the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted. The person having the greatest number of votes for President;

shall be the President, if such number be a majority of the whole number of electors appointed ; and if no person have such majority, then from the persons having the highest numbers not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote ; a quorum for this purpose shall consist of a member or members from two thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.

The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of electors appointed ; and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President ; a quorum for this purpose shall consist of two thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.


But no person constitutionally ineligible to the office

of President shall be eligible to that of Vice President of the United States.

ATTEST.

JOHN BECKLEY, *Clerk to the
House of Representatives of the United States.*

SAMUEL A. OTIS, *Secretary
to the Senate of the United States.*

 *Ratified by the constitutional num'ber of the Legislatures of the several states, in the year one thousand eight hundred and four.*

TREATY

BETWEEN

THE UNITED STATES OF AMERICA,

AND THE

FRENCH REPUBLIC.

THE President of the United States of America and the First Consul of the French Republic, in the name of the French people, desiring to remove all source of misunderstanding relative to objects of discussion mentioned in the second and fifth articles of the convention of the 8th Vendemaire an 9, (30th September, 1800) relative to the rights claimed by the United States, in virtue of the treaty concluded at Madrid the 27th October, 1795, between his Catholic Majesty and the said United States, and willing to strengthen the union and friendship which at the time of the said convention was happily re-established between the two nations have respectively named their plenipotentiaries, to wit, the President of the United States of America, by and with the advice and consent of the Senate of the said States, Robert R. Livingston, minister plenipotentiary of the United States, and James Monroe, minister plenipotentiary and envoy extraordinary of the said States, near the government of the French republic; and the First Consul, in the name French people, citizen Francis Barbé Marbois, minister of the public treasury, who, after having respectively exchanged their full powers, have agreed to the following articles:

ARTICLE I.

WHEREAS, by the article the third of the treaty concluded at St. Ildelfonso, the 9th Vendemaire, an 9. (1st October, 1800.) between the First Consul of the French Republic and his Catholic Majesty, it was agreed as follows : “ His Catholic Majesty promises and engages on his part, to cede to the French Republic, six months after the full and entire execution of the conditions and stipulations herein relative to his Royal Highness the Duke of Parma, the colony or province of Louisiana, with the same extent that it now has in the hands of Spain and that it had when France possessed it ; and such as it should be after the treaties subsequently entered into between Spain and other states.” *And wher as*, in pursuance of the treaty, and particularly of the third article, the French Republic has an incontestible title to the domain and to the possession of the said territory : The First Consul of the French Republic desiring to give to the United States a strong proof of his friendship, doth hereby cede to the said United States, in the name of the French Republic, forever and in full sovereignty, the said territory with all its rights and appurtenances, as fully and in the same manner as they have been acquired by the French Republic in virtue of the above mentioned treaty concluded with his Catholic Majesty.

ARTICLE II.

In the cession made by the preceding article are included the adjacent islands belonging to Louisianga,

all public lots and squares, vacant lands, and all public buildings, fortifications, barracks, and other edifices which are not private property. The archives, papers and documents, relative to the domain and sovereignty of Louisiana and its dependencies, will be left in the possession of the commissaries of the United States, and copies will be afterwards given in due form to the magistrates and municipal officers, of such of the said papers and documents as may be necessary to them.

ARTICLE III.

The inhabitants of the ceded territory shall be incorporated in the union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages and immunities of citizens of the United States ; and in the mean time they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess.

ARTICLE IV.

There shall be sent by the government of France a commissary to Louisiana, to the end that he do every act necessary, as well to receive from the officers of his Catholic Majesty the said country and its dependencies, in the name of the French Republic, if it has not been already done, as to transmit it in the name of the French Republic to the commissary or agent of the United States.

ARTICLE V.

Immediately after the ratification of the present

treaty by the President of the United States, and in case that of the First Consul shall have been previously obtained, the Commissary of the French Republic shall remit all the military posts of New-Orleans, and other parts of the ceded territory, to the commissary or commissaries named by the President to take possession; the troops, whether of France or Spain, who may be there, shall cease to occupy any military post from the time of taking possession, and shall be embarked as soon as possible, in the course of three months after the ratification of this treaty.

ARTICLE VI.

The United States promise to execute such treaties and articles as may have been agreed between Spain and the tribes and nations of Indians until by mutual consent of the U. States and the said tribes or nations, other suitable articles shall have been agreed upon.

ARTICLE VII.

As it is reciprocally advantageous to the commerce of France and the United States to encourage the communication of both nations for a limited time in the country ceded by the present treaty, until general arrangements relative to the commerce of both nations may be agreed on; it has been agreed between the contracting parties, that the French ships coming directly from France or any of her colonies, loaded only with the produce or manufactures of France or her said colonies; and the ships of Spain coming directly from Spain or any of her colonies, loaded only with the produce or manufactures of Spain or her colonies;

shall be admitted during the space of twelve years in the port of New-Orleans, and in all other legal ports of entry within the ceded territory, in the same manner as the ships of the United States coming directly from France or Spain or any of their colonies, without being subject to any other or greater duty on merchandise, or other or greater tonnage than those paid by the citizens of the United States.

During the space of time above mentioned, no other nation shall have a right to the same privileges in the ports of the ceded territory : the twelve years shall commence three months after the exchange of ratifications, if it shall take place in France, or three months after it shall have been notified at Paris to the French government, if it shall take place in the United States ; it is, however, well understood, that the object of the above article is to favor the manufactures, commerce, freight and navigation of France and of Spain, so far as relates to the importations that the French and Spanish shall make into the said ports of the United States, without in any sort affecting the regulations that the United States may make concerning the exportation of the produce and merchandize of the United States, or any right they may have to make such regulations.

ARTICLE VIII.

In future and forever after the expiration of the twelve years, the ships of France shall be treated upon the footing of the most favored nations in the ports above mentioned.

ARTICLE IX.

The particular convention signed this day by the respective ministers, having for its object to provide for the payment of debts due to the citizens of the United States by the French Republic, prior to the 30th of September, 1800, (8th Vendemiaire, 9,) is approved, and to have its execution in the same manner as if it had been inserted in the present treaty, and it shall be ratified in the same form and in the same time, so that the one shall not be ratified distinct from the other.

Another particular convention, signed at the same date as the present treaty, relative to a definitive rule between the contracting parties, is in the like manner approved, and will be ratified in the same form, and in the same time, and jointly.

ARTICLE X.

The present treaty shall be ratified in good and due form, and the ratification shall be exchanged in the space of six months after the date of the signatures by the ministers plenipotentiaries, or sooner, if possible.

IN FAITH WHEREOF, the respective plenipotentiaries have signed these articles in the French and English languages : declaring, nevertheless, that

the present treaty was originally agreed to in the French language ; and have thereunto put their seals.

Done at Paris, the tenth day of Floreal, in the eleventh year of the French Republic, and the 30th April, 1803.

(Signed)

ROBERT R. LIVINGSTON,	(L. s.)
JAMES MONROE,	(L. s.)
F. BARBE MARBOIS,	(L. s.)



ACTS

OF THE

CONGRESS OF THE UNITED STATES.

AN ACT to enable the President of the United States to take possession of the Territories ceded by France to the United States, by the treaty concluded at Paris, on the thirtieth of April last ; and for the temporary government thereof.

BE IT ENACTED by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby authorised to take possession of, and occupy the territory ceded by France to the United States, by the treaty concluded at Paris on the 30th day of April last, between the two nations ; and that he may for that purpose, and in order to maintain in the said territories the authority of the United States, employ any part of the army and navy of the United States, and of the force authorised by an act passed the third day of March last, entitled “ An act directing a detachment from the militia of the United States, and for erecting certain arsenals,” which he may deem necessary : and so much of the sum appropriated by the said act as may be necessary is hereby appropriated for the purpose of carrying this act into effect ; to be applied under the direction of the President of the United States.

Sect. 2. *And be it further enacted,* That until the expiration of the present session of Congress, unless provision for the temporary government of the said territories be sooner made by Congress, all the military, civil and judicial powers, exercised by the officers of the existing government of the same, shall be vested in such person and persons, and shall be exercised in such manner as the president of the United States shall direct, for maintaining and protecting the inhabitants of Louisiana in the free enjoyment of their liberty, property, and religion.

NATHANIEL MACON,

Speaker of the House of Representatives.

JOHN BROWN,

President of the Senate pro tempore.

October 31, 1803.

APPROVED.

TH: JEFFERSON.

AN ACT

Errecting Louisiana into two territories, and providing for the temporary government thereof.

BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all that portion of country ceded by France to the United States, under the name of Louisiana, which lies south of the Mississippi territory, and of an east and west line to commence on the Mississippi river, at the thirty third degree of north latitude, and to extend west to the western boundary of the said cession, shall constitute a territory of the United States, under the name of the territory of Orleans ; the government whereof shall be organised and administered as follows :

Sec. 2. The executive power shall be vested in a governor, who shall reside in the said territory, and hold his office during the term of three years, unless sooner removed by the President of the United States. He shall be commander in chief of the militia of the said territory ; shall have power to grant pardons for offences against the said territory, and reprieves for those against the United States, until the decision of the President of the United States thereon, shall be made known ; and to appoint and commission all officers civil and of the militia, whose appointments are not herein otherwise provided for, and which shall be established by law. He shall take care that the laws be faithfully executed.

Sec. 3. A secretary to this territory shall also be appointed, who shall hold his office during the term of

four years, unless sooner removed by the President of the United States, whose duty it shall be, under the direction of the governor, to record and preserve all the papers and proceedings of the executive, and all acts of the governor and legislative council, and transmit authentic copies of the proceedings of the governor in his executive department, every six months, to the President of the United States. In case of the vacancy of the office of governor the government of said territory shall devolve on the secretary.

Sec. 4. The legislative powers shall be vested in the governor, and in thirteen of the most fit and discreet persons of the territory, to be called the legislative council, who shall be appointed annually by the President of the United States from among those holding real estate therein, and who shall have resided one year at least, in the said territory, and hold an office of profit under the territory or the United States. The governor, by and with the advice and consent of the said legislative council, or of a majority of them, shall have power to alter, modify or repeal the laws which may be in force at the commencement of this act. Their legislative powers shall also extend to all the rightful subjects of legislation ; but no law shall be valid which is inconsistent with the constitution and laws of the United States, or which shall lay any person under restraint, burthen, or disability, on account of his religious opinions, professions or worship, in all which he shall be free to maintain his own, and not burthened for those of another. The governor shall publish throughout the said territory, all the

laws which shall be made, and shall, from time to time, report the same to the President of the United States, to be laid before Congress : which, if disapproved of by Congress, shall thenceforth be of no force. The Governor or Legislative Council shall have no power over the primary disposal of the soil, nor to tax the lands of the United States, nor to interfere with the claims to lands within the said Territory. The Governor shall convene and prorogue the Legislative Council, whenever he may deem it expedient. It shall be his duty to obtain all the information in his power, in relation to the customs, habits and dispositions of the inhabitants of the said Territory, and communicate the same, from time to time, to the President of the United States.

Sect. 5. The judicial power shall be vested in a Superior Court, and in such Inferior Courts and Justices of the Peace, as the Legislature of the Territory may, from time to time establish. The Judges of the Superior Court and the Justices of the Peace, shall hold their offices for the term of four years. The Superior Court shall consist of three judges, any one of whom shall constitute a Court ; they shall have jurisdiction in all criminal cases, and exclusive jurisdiction in all those which are capital ; and original and appellate jurisdiction in all cases of the value of one hundred dollars. Its sessions shall commence on the first Monday of every month, and continue till all the business depending before them shall be disposed of. They shall appoint their own clerk. In all criminal prosecutions which are capital, the trial shall be by a jury of twelve good and lawful men of the vicinage ;

and in all cases criminal and civil in the Superior Court, the trial shall be by a jury, if either of the parties require it. The inhabitants of the said Territory shall be entitled to the benefits of the writ of habeas corpus : they shall be bailable, unless for capital offenses where the proof shall be evident, or the presumption great ; and no cruel and unusual punishment shall be inflicted.

Sect. 6. The Governor, Secretary, Judges, District Attorney, Marshal, and all general officers of the militia shall be appointed by the President of the United States, in the recess of the Senate ; but shall be nominated at their next meeting for their advice and consent. The Governor, Secretary, Judges, Members of the Legislative Council, Justices of the Peace, and all other officers, civil and of the militia, before they enter upon the duties of their respective offices, shall take an oath or affirmation to support the constitution of the United States, and for the faithful discharge of the duties of their office ; the Governor, before the President of the United States, or before a Judge of the Supreme or District Court of the United States, or before such other person as the President of the United States shall authorise to administer the same ; the Secretary, Judges, and Members of the Legislative Council, before the governor ; and all other officers before such person as the governor shall direct. The governor shall receive an annual salary of five thousand dollars ; the secretary of two thousand dollars ; and the judges of two thousand dollars each ; to be paid quarter yearly out of the revenue of im-

posts and tonnage, accruing within the said territory. The members of the Legislative Council shall receive four dollars each per day, during their attendance in council.

Sec. 7. *And be it further enacted,* That the following acts, that is to say :

An act for the punishment of certain crimes against the United States :

An act in addition to an act for the punishment of certain crimes against the United States.

An act to prevent the citizens of the United States from privateering against nations in amity with the United States.

An act for the punishment of certain crimes therein specified.

An act respecting fugitives from justice, and persons escaping from service of their masters.

An act to prohibit the carrying on the Slave Trade from the United States to any foreign place or country.

An act to prevent the importation of certain persons into certain states, where, by the laws thereof, their admission is prohibited.

An act to establish the Post-Office of the United States.

An act further to alter and establish certain post roads, and for the more secure carriage of the mail of the United States.

An for the more general promulgation of the laws of the United States.

An act in addition to an act entitled, an act for the more general promulgation of the laws of the United States.

An act to promote the progress of useful arts, and to repeal the act heretofore made for that purpose.

An act to extend the privilege of obtaining patents for useful discoveries and inventions to certain persons therein mentioned, and to enlarge and define the penalties for violating the rights of patentees.

An act for the encouragement of learning, by securing the copies of maps, charts and books, to the authors and proprietors of such copies, during the time therein mentioned.

An act supplementary to an act entitled, an act for the encouragement of learning, by securing the copies of maps, charts and books, to the authors and proprietors of such copies, during the times therein mentioned; and extending the benefits thereof to the arts of designing, engraving and etching historical and other prints.

An act providing for salvage in case of recapture.

An act respecting alien enemies.

An act to prescribe the mode in which the public acts, records, and judicial proceedings in each state shall be authenticated, so as to take effect in every other state.

An act for establishing trading houses with the Indian tribes.

An act for continuing in force a law entitled, an act for establishing trading houses with the Indian tribes.
And

An act making provision relative to rations for Indians, and to their visits to the seat of government, shall extend to and have full force and effect in the above mentioned territories.

Sect. 8. There shall be established in the said Territory a District Court, to consist of one Judge, who shall reside therein, and be called the District Judge, and who shall hold in the city of New-Orleans, four sessions annually ; the first to commence on the third Monday in October next, and the three other sessions, progressively, on the third Monday of every third calender month thereafter. He shall in all things, have and exercise the same jurisdiction and powers which are by law given to, or may be exercised by the Judge of Kentucky District ; and shall be allowed an annual compensation of two thousand dollars, to be paid quarter yearly out of the revenues of imposts and tonnage accruing within the said territory. He shall appoint a clerk for the said district, who shall reside, and keep the records of the Court, in the City of Orleans, and shall receive for the services performed by him, the same fees to which the clerk of Kentucky District is entitled for similar services.

There shall be appointed in the said district, a person learned in the law, to act as attorney for the U. States, who shall, in addition to his stated fees, be

paid six hundred dollars, annually, as a full compensation for all extra services. There shall also be appointed a marshal for the said district, who shall perform the same duties, be subject to the same regulations and penalties, and be entitled to the same fees to which marshals in other districts are entitled for similar services ; and shall moreover be paid two hundred dollars annually, as a compensation for all extra services.

Sec. 9. All free male white persons, who are house keepers, and who shall have resided one year, at least, in the said territory, shall be qualified to serve as grand or petit jurors, in the courts of the said territory ; and they shall, until the legislature thereof shall otherwise direct, be selected in such manner as the judges of the said courts, respectively, shall prescribe, so as to be most conducive to an impartial trial, and to be least burthensome to the inhabitants of said territory.

Sec. 10. It shall not be lawful for any person or persons to import or bring into the said territory, from any port or place without the limits of the United States, or cause or procure to be so imported or brought, or knowingly to aid or assist in so importing or bringing any slave or slaves. And every person so offending, and being thereof convicted before any court within the said territory, having competent jurisdiction, shall forfeit and pay for each and every slave so imported or brought, the sum of three hundred dollars ; one moiety for the use of the United States and the other moiety for the use of the person or persons who shall sue for the same ; and every slave

so imported or brought, shall thereupon become entitled to, and receive his or her freedom. It shall not be lawful for any person or persons to import or bring into the said territory, from any port or place within the limits of the United States, or to cause or procure to be so imported or brought, or knowingly to aid or assist in so importing or bringing any slave or slaves, which shall have been imported since the first day of May, one thousand seven hundred and ninety eight, into any port or place within the limits of the United States, or which may hereafter be so imported, from any port or place without the limits of the United States ; and every person so offending, and being thereof convicted before any court within said territory, having competent jurisdiction, shall forfeit and pay for each and every slave so imported or brought from without the United States the sum of three hundred dollars, one moiety for the use of the United States, and the other moiety for the use of the person or persons who shall sue for the same ; and no slave or slaves shall directly or indirectly be introduced into said territory, except by a citizen of the United States, removing into said territory for actual settlement, and being at the time of such removal bona fide owner of such slave or slaves ; and every slave imported or brought into the said territory, contrary to the provisions of this act, shall thereupon be entitled to, and receive his or her freedom.

Sec. 11. The laws in force in the said territory, at the commencement of this act, and not inconsistent with the provisions thereof, shall continue in force, until altered, modified, or repealed by the legislature.

Sec. 12. The residue of the province of Louisiana, ceded to the United States, shall be called the District of Louisiana, the government whereof shall be organized and administered as follows :

The executive power now vested in the governor of the Indiana territory, shall extend to, and be exercised in the said District of Louisiana. The governor and judges of the Indiana territory shall have power to establish, in the said District of Louisiana, inferior courts, and prescribe their jurisdiction and duties, and to make all laws which they may deem conducive to the good government of the inhabitants thereof : *Provided however*, That no law shall be valid which is inconsistent with the constitution and laws of the United States, or which shall lay any person under restraint or disability on account of his religious opinions, profession, or worship ; in all of which he shall be free to maintain his own, and not burthened for those of another : *And provided also*, That in all criminal prosecutions, the trial shall be by a jury of twelve good and lawful men of the vicinage, and in all civil cases of the value of one hundred dollars, the trial shall be by jury, if either of the parties require it. The judges of the Indiana territory, or any two of them, shall hold annually two courts within the said district, at such place as will be most convenient to the inhabitants thereof in general, shall possess the same jurisdiction they now possess in the Indiana territory, and shall continue in session until all the the business depending before them shall be disposed of. It shall be the duty of the secretary of the Indiana territory to record and preserve all the papers and

proceedings of the governor, an executive nature, relative to the district of Louisiana, and transmit authentic copies thereof every six months to the President of the United States. The governor shall publish throughout the said district, all the laws which may be made as aforesaid and shall, from time to time report the same to the President of the United States, to be laid before Congress, which, if disapproved of by Congress, shall thenceforth cease and be of no effect.

The said district of Louisiana shall be divided into districts by the governor, under the direction of the President, as the convenience of the settlements shall require, subject to such alterations hereafter as experience may prove more convenient. The inhabitants of each district, between the ages of eighteen and forty-five shall be formed into a militia with proper officers, according to their numbers, to be appointed by the governor, except the commanding officer, who shall be appointed by the President, and who whether a captain, a major, or a colonel, shall be the commanding officer of the said district, and as such, shall, under the governor, have command of the regular officers and troops in his district as well as of the militia, for which he shall have a brevet commission, giving him such command, and the pay and emoluments of an officer of the same grade in the regular army ; he shall be specially charged with the employment of the military and militia of his district, in cases of sudden invasion or insurrection, and until the orders of the governor can be received, and at all times with the

duty of ordering a military patrol, aided by militia if necessary, to arrest unruly settlers in any part of his district, and to commit such offenders to jail to be dealt with according to law.

Sec. 13. The laws in force in the said district of Louisiana, at the commencement of this act, and not inconsistent with any of the provisions thereof, shall continue in force until altered, modified or repealed by the governor and judges of the Indiana territory, as aforesaid.

Sect. 14. *And be it further enacted*, That all grants for lands within the territories ceded by the French Republic to the United States, by the treaty of the thirtieth of April, in the year one thousand eight hundred and three, the title whereof was, at the date of the treaty of St. Ildefonso, in the crown government or nation of Spain, and every act and proceeding subsequent thereto, of whatsoever nature, towards the obtaining any grant, title or claim to such lands, and under such whatsoever authority transacted, or pretended, be and the same are hereby declared to be, and to have been from the beginning, null, void and of no effect in law or equity: provided nevertheless, that any thing in this section contained shall not be construed to make null and void any bona fide grant, made agreeably to the laws, usages and customs of the Spanish government to an actual settler on the lands so granted, for himself, and for his wife and family; or to make null and void any bona fide act or proceeding done by an actual settler agreeably to the laws, usages and customs of the Spanish government, to obtain a

grant for lands actually settled on by the person or persons claiming title thereto, if such settlement in either case was actually made prior to the twentieth day of December, one thousand eight hundred and three; and provided further, that such grant shall not secure to the grantee or his assigns more than one mile square of land together with such other and further quantity as heretofore hath been allowed for the wife and family of such actual settler, agreeably to the laws, usages and customs of the Spanish government.—And that if any citizens of the United States or other person, shall make a settlement on any lands belonging to the United States, within the limits of Louisiana, or shall survey, or attempt to survey, such lands, or to designate boundaries by marking trees, or otherwise, such offender shall on conviction thereof, in any court of record of the United States, or the territories of the United States, forfeit a sum not exceeding one thousand dollars, and suffer imprisonment not exceeding twelve months; and it shall, moreover, be lawful for the President of the United States to employ such military force as he may judge necessary to remove from lands belonging to the United States any such citizen or other person, who shall attempt a settlement thereon.

Sect. 15. The President of the United States is hereby authorised to stipulate with any Indian tribes owning lands on the east side of the Mississippi, and residing thereon, for an exchange of lands, the property of the United States, on the west side of the Mississippi, in case the said tribes shall remove and settle thereon; but in such stipulation, the said tribes

shall acknowledge themselves to be under the protection of the United States, and shall agree that they will not hold any treaty with any foreign power, individual state, or with the individuals of any state or power; and that they will not sell or dispose of the said lands, or any part thereof, to any sovereign power except the United States, nor to the subjects or citizens of any other sovereign power, nor to the citizens of the United States. And in order to maintain peace and tranquility with the Indian tribes who reside within the limits of Louisiana, as ceded by France to the United States, the act of Congress, passed on the thirtieth day of March, one thousand eight hundred and two, entitled "An act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers," is hereby extended to the territories erected and established by this act; and the sum of fifteen thousand dollars of any money in the treasury not otherwise appropriated by law, is hereby appropriated to enable the President of the United States, to effect the object expressed in this section.

Sect. 13. The act passed on the thirty-first day of October, one thousand eight hundred and three, entitled "An act to enable the President of the United States to take possession of the territories ceded by France to the United States, by the treaty concluded at Paris, on the thirtieth day of April last, and for the temporary government thereof," shall continue in force until the first day of October next, any thing therein to the contrary notwithstanding; on which said first day of October, this act shall commence, and have full force, and shall continue in force for and

during the term of one year, and to the end of the next session of Congress which may happen thereafter.

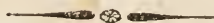
NATHL. MACON,
Speaker of the House of Representatives.

JESSE FRANKLIN,
President of the Senate, pro tempore.

March 26, 1804.

Approved,

TH: JEFFERSON.



AN ACT

Further providing for the government of the Territory of Orleans.

Sect. 1. *BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States be and he is hereby authorised to establish within the territory of Orleans, a government in all respects similar (except as is herein otherwise provided) to that now exercised in the Mississippi territory, and shall in the recess of the Senate, but to be nominated at their next meeting, for their advice and consent, appoint all the officers necessary therein, in conformity with the ordinance of Congress made on the thirteenth day of July, one thousand seven hundred and eighty-seven, and that from and after the establishment of the said government, the inhabitants of the territory of Orleans, shall be entitled to, and enjoy all the rights, privileges and advantages, secu-

red by the said ordinance, and now enjoyed by the people of the Mississippi territory.

Sect. 2. *And be it further enacted,* That so much of the said ordinance of Congress as relates to the organization of a general assembly, and prescribes the powers thereof, shall, from and after the fourth day of July next, be in force in the said territory of Orleans; and in order to carry the same into operation, the governor of the said territory shall cause to be elected twenty-five representatives, for which purpose he shall lay off the said territory into convenient election districts on or before the first Monday of October next, and give due notice thereof throughout the same; and shall appoint the most convenient time and place within each of the said districts, for holding the elections; and shall nominate a proper officer or officers, to preside at and conduct the same, and to return to him the names of the persons who may have been duly elected.

All subsequent elections shall be regulated by the legislature: and the number of representatives shall be determined, and the apportionment made in the manner prescribed by the said ordinance.

Sect. 3. *And be it further enacted,* That the representatives to be chosen as aforesaid, shall be convened by the governor, in the city of New-Orleans, on the first Monday in November next; and the first general assembly shall be convened by the governor as soon as may be convenient at the city of New-Orleans, after the members of the legislative council shall be appointed and commissioned; and the general

assembly shall meet, at least once in every year, and such meeting shall be on the first Monday in December annually, unless they shall by law appoint a different day. Neither house, during the session, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two branches are sitting.

Sec. 4. *And be it further enacted*, That the laws in force in the said territory, at the commencement of this act, and not inconsistent with the provisions thereof, shall continue in force, until altered, modified or repealed by the legislature.

Sec. 5. *And be it further enacted*, That the second paragraph of the said ordinance, which regulates the descent and distribution of estates; and also the sixth article of compact, which is annexed to, and makes part of the said ordinance, are hereby declared not to extend to, but are excluded from all operation within the said territory of Orleans.

Sec. 6. *And be it further enacted*, That the governor, secretary and judges to be appointed by virtue of this act, shall be severally allowed the same compensation which is now allowed to the governor, secretary, and judges of the territory of Orleans. And all the additional officers authorised by this act, shall respectively receive the same compensations for their services, as are by law established for similar offices in the Mississippi territory, to be paid quarter yearly out of the revenues of impost and tonnage, accruing within the said territory of Orleans.

Sec. 7. *And be further enacted*, That whenever it shall be ascertained by an actual census, or enumeration of the inhabitants of the territory of New-Orleans, taken by proper authority, that the number of free inhabitants included therein shall amount to sixty thousand, they shall thereupon be authorised to form for themselves a constitution and state government, and be admitted into the union, upon the footing of the original states, in all respects whatever, conformably to the provisions of the third article of the treaty, concluded at Paris, on the thirtieth of April, one thousand eight hundred and three, between the United States and the French Republic: *Provided*, that the constitution so to be established shall be republican, and not inconsistent with the constitution of the United States, nor inconsistent with the ordinance of the late congress, passed the thirteenth day of July, one thousand seven hundred and eighty seven, so far as the same is made applicable to the territorial government hereby authorised to be established: *Provided however*, That Congress shall be at liberty, at any time prior to the admission of the inhabitants of the said territory to the rights of a separate state, to alter the boundaries thereof as they may judge proper: *Except only*, That no alteration shall be made, which shall procrastinate the period for the admission of the inhabitants thereof to the rights of a state government according to the provisions of this act.

Sec. 8. *And be it further enacted*, That so much of an act, entitled " An act erecting Louisiana into two territories and providing for the temporary gov-

ernment thereof," as is repugnant with this act shall from and after the first Monday in November next, be repealed. And the residue of the said act shall continue in force, until repealed, any thing in the sixteenth section of the said act to the contrary notwithstanding.

NATHL. MACON,
Speaker of the House of Representatives.

A. BURR,
*Vice-President of the United States and
President of the Senate.*

March 2, 1805.

APPROVED.

TH: JEFFERSON,

ORDINANCE

FOR THE GOVERNMENT OF THE TERRITORY OF THE
UNITED STATES NORTH-WEST OF THE RIVER OHIO.

BE IT ORDAINED by the United States in Congress assembled, That the said territory, for the purpose of temporary government, be one district ; subject, however, to be divided into two districts, as future circumstances may in the opinion of Congress make it expedient.

Be it ordained by the authority aforesaid, That the estaates both of resident and non-resident proprietors in the said Territory, dying intestate, shall descend to, and be distributed among their children, and the descendants of a deceased child or grand child, to

take the share of their deceased parent in equal parts among them : and where there shall be no children or descendants, then in equal parts to the next of kin, in equal degree ; and among collaterals, the children of a deceased brother or sister of the intestate, shall have in equal parts among them their deceased parents share ; and there shall in no case be a distinction between kindred of the whole and half blood ; saving in all cases to the widow of the intestate, her third part of the real estate for life, and one third part of the personal estate ; and this law relative to descents and dower, shall remain in full force until altered by the legislature of the district. And until the governor and judges shall adopt laws as herein after mentioned, estates in the said territory may be devised or bequeathed by wills in writing, signed and sealed by him or her, in whom the estate may be, (being of full age) and attested by three witnesses ; and real estates may be conveyed by lease and release, or bargain and sale, signed, sealed, and delivered by the person being of full age, in whom the estate may be, and attested by two witnesses, provided such wills be duly proved, and such conveyances be acknowledged, or the execution thereof duly proved, and be recorded within one year after proper magistrates, courts, and registers shall be appointed for that purpose ; and personal property may be transferred by delivery ; saving however to the French and Canadian inhabitants, and other settlers of the Kaskaskias, Saint Vincent's, and the neighboring villages, who have heretofore professed themselves citizens of Virginia, their laws and customs now in force among them, relative to the descent and conveyance of property.

Be it ordained by the authority aforesaid, That there shall be appointed from time to time, by Congress, a Governor, whose commission shall continue in force for the term of three years, unless sooner revoked by Congress : He shall reside in the district, and have a freehold estate therein, in one thousand acres of land, while in the exercise of his office.

There shall be appointed from time to time by Congress, a Secretary, whose commission shall continue in force for four years, unless sooner revoked ; he shall reside in the district, and have a freehold estate therein, in five hundred acres of land, while in the exercise of his office : It shall be his duty to keep and preserve the acts and laws passed by the Legislature, and the public records of the district, and the proceedings of the Governor in his executive department ; and transmit authentic copies of such acts and proceedings, every six months, to the secretary of Congress : There shall also be appointed a court, to consist of three judges, any two of whom to form a court, who shall have a common law jurisdiction, and reside in the district, and have each therein a freehold estate in five hundred acres of land, while in the exercise of their offices ; and their commissions shall continue in force during good behaviour.

The governor and judges, or a majority of them, shall adopt and publish in the district, such laws of the original states, criminal and civil, as may be necessary, and best suited to the circumstances of the district, and report them to Congress from time to time ;

which laws shall be in force in the district until the organization of the General Assembly therein, unless disapproved of by Congress : but afterwards the Legislature shall have authority to alter them as they shall think fit.

The governor for the time being, shall be commander in chief of the militia, appoint and commission all officers in the same below the rank of general officers ; all general officers shall be appointed and commissioned by Congress.

Previous to the organization of the General Assembly, the governor shall appoint such magistrates and other civil officers, in each county or township as he shall find necessary for the preservation of the peace and good order in the same : After the General Assembly shall be organized, the powers and duties of magistrates and other civil officers shall be regulated and defined by the said Assembly ; but all magistrates and other civil officers not herein otherwise directed, shall during the continuance of this temporary government, be appointed by the governor.

For the prevention of crimes and injuries, the laws to be adopted or made shall have force in all parts of the district, and for the execution of process, criminal and civil, the governor shall make proper divisions thereof : And he shall proceed from time to time, as circumstances may require, to lay out the parts of the shall be necessary to qualify a man as an elector of a representative.

The representatives thus elected, shall serve for the term of two years ; and in case of the death of a re-

district, in which the Indian titles shall have been extinguished, into counties and townships, subject however, to such alterations as may thereafter be made by the Legislature.

So soon as there shall be five thousand free male inhabitants, of full age, in the district, upon giving proof thereof to the governor, they shall receive authority, with time and place, to elect representatives from their counties or townships, to represent them in the general assembly; provided that for every five hundred free male inhabitants, there shall be one representative, and so on progressively with the number of free male inhabitants shall the right of representation increase, until the number of representatives shall amount to twenty five; after which the number and proportion of representatives shall be regulated by the Legislature: provided that no person be eligible or qualified to act as a representative, unless he shall have been a citizen of one of the United States three years, and be a resident in the district or unless he shall have resided in the district three years; and in either case, shall likewise hold in his own right, in fee simple, two hundred acres of land within the same: provided also, that a freehold in fifty acres of land in the district, having been a citizen of one of the states, and been resident in the district, or the like freehold, and two years residence in the district presentative, or removal from office, the governor shall issue a writ to the county or township, for which he was a member, to elect another in his stead, to serve for the residue of the term.

The general assembly, or legislature, shall consist of the governor, legislative council, and a house of representatives. The legislative council shall consist of five members, to continue in office five years, unless sooner removed by Congress ; any three of whom to be a quorum : And the members of the council shall be nominated and appointed in the following manner, to wit: As soon as representatives shall be elected, the governor shall appoint a time and place for them to meet together, and when met, they shall nominate ten persons, residents in the district, and each possessed of a freehold in five hundred acres of land, and return their names to Congress ; five of whom, Congress shall appoint and commission to serve as aforesaid ; and whenever a vacancy shall happen in the council, by death or removal from office, the house of representatives shall nominate two persons, qualified as aforesaid for each vacancy, and return their names to Congress ; one of whom, Congress shall appoint and commission for the residue of the term. And every five years, four months at least before the expiration of the time of service of the members of council, the said house shall nominate ten persons, qualified as aforesaid, and return their names to Congress ; five of whom Congress shall appoint and commission to serve as members of the council five years, unless sooner removed. And the governor, legislative council, and house of representatives, shall have authority to make laws, in all cases, for the good government of the district, not repugnant to the principles and articles in this ordinance established and declared. And all bills having passed by a majority in the council, shall be referred to the governor for his

assent ; but no bill or legislative act whatever, shall be of any force without his assent The governor shall have power to convene. prorogue and dissolve the general assembly, when in his opinion it shall be expedient.

The governor, judges, legislative council, secretary and such other officers as Congress shall appoint in the district, shall take an oath or affirmation of fidelity, and of office ; the governor before the president of Congress, and all other officers before the governor. As soon as a legislature shall be formed in the district, the council and house assembled, in one room, shall have authority by joint ballot, to elect a delegate to Congress, who shall have a seat in Congress, with a right of debating, but not of voting during this temporary government.

And for extending the fundamental principles of civil and religious liberty, which form the basis whereupon these republics, their laws and constitutions are erected ; to fix and establish those principles as the basis of all laws, constitutions and governments, which forever hereafter shall be formed in the said territory : To provide also for the establishment of states, and permanent government therein, and for their admission to a share in the federal councils, on an equal footing with the original states, at as early periods, as may be consistent with the general interest :

It is hereby ordained and declared, by the authority aforesaid, That the following articles shall be considered as articles of compact between the original

states, and the people and states in the said territory, and forever remain unalterable, unless by common consent, to wit :

ARTICLE I.

No person demeaning himself in a peaceable and orderly manner, shall ever be molested on account of his mode of worship or religious sentiments, in the said territory.

ARTICLE II.

The inhabitants of the said territory, shall always be entitled to the benefits of the writ of habeas corpus, and of the trial by jury ; of a proportionate representation of the people in the legislature, and of judicial proceedings according to the course of the common law. All persons shall be bailable, unless for capital offences, where the proof shall be evident, or the presumption great. All fines shall be moderate ; and no cruel or unusual punishment shall be inflicted. No man shall be deprived of his liberty or property, but by the judgment of his peers, or the law of the land ; and should the public exigencies make it necessary, for the common preservation, to take any persons property, or to demand his particular services, full compensation shall be made for the same. And in the just preservation of rights and property, it is understood and declared, that no law ought ever to be made, or have force in the said territory, that shall in any manner whatever interfere with, or affect private contracts or engagements, bona fide, and without fraud previously formed.

ARTICLE III.

Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools, and the means of education, shall forever be encouraged. The utmost good faith shall always be observed towards the Indians ; their land and property, shall never be taken from them without their consent ; and in their property, rights and liberty, they never shall be invaded or disturbed, unless in just and lawful wars authorised by Congress ; but laws founded in justice and humanity, shall from time to time be made, for preventing wrongs being done to them, and for preserving peace and friendship with them.

ARTICLE IV.

The said territory, and the states which may be formed therein, shall forever remain a part of this confederacy of the United States of America, subject to the articles of confederation, and to such alterations therein, as shall be constitutionally made ; and to all the acts and ordinances of the United States in Congress assembled, conformable thereto. The inhabitants and settlers, in the said territory, shall be subject to pay a part of the federal debts, contracted or to be contracted, and a proportional part of the expenses of government, to be apportioned on them by Congress, according to the same common rule and measure, by which apportionments thereof shall be made on other states ; and the taxes for paying their proportion, shall be laid and levied by the authority and direction of the legislatures of the district or dis-

tricts, or new states, as in the original states, within the time agreed upon by the United States in Congress assembled. The legislatures of those districts or new states shall never interfere with the primary disposal of the soil by the United States in Congress assembled, nor with any regulations Congress may find necessary for securing the title in such soil to the bona fide purchasers. No tax shall be imposed on lands the property of the United States; and in no case shall non-resident proprietors be taxed higher than residents. The navigable waters leading into the Mississippi and St. Lawrence, and the carrying places between the same, shall be common highways, and forever free, as well to the inhabitants of the said territory, as to the citizens of the United States, and those of any other states that may be admitted into the confederacy, without any tax, impost, or duty therefor.

ARTICLE V.

There shall be formed in the said territory, not less than three, nor more than five states; and the boundaries of the states, as soon as Virginia shall alter her act of cession, and consent to the same, shall become fixed and established as follows, to wit: The western state in the said territory, shall be bounded by the Mississippi, the Ohio and Wabash rivers; a direct line drawn from the Wabash and Post Vincents due north to the territorial line between the United States and Canada; and by the said territorial line to the lake of the Woods and Mississippi. The middle states shall be bounded by the said direct line, the Wabash from Post Vincents to the Ohio; by the Ohio.

by a direct line drawn due north from the mouth of the Great Miami, to the said territorial line, and by the said territorial line. The eastern state shall be bounded by the last mentioned direct line, the Ohio, Pennsylvania, and the said territorial line : Provided however, and it is further understood and declared, that the boundaries of these three states, shall be subject so far to be altered, that if Congress shall hereafter find it expedient, they shall have authority to form one or two states in that part of the said territory which lies north of an east and west line drawn through the southerly bend or extreme of lake Michigan. And whenever any of the said states, shall have sixty thousand free inhabitants therein such state shall be admitted, by its delegates, into the Congress of the United States on an equal footing with the original states, in all respects whatever ; and shall be at liberty to form a permanent constitution and state government : Provided the constitution and government so to be formed, shall be republican, and in conformity to the principles contained in these articles ; and so far as it can be consistent with the general interest of the confederacy, such admission shall be allowed at an earlier period and when there may be a less number of free inhabitants in the state than sixty thousand.

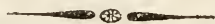
ARTICLE VI.

There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in punishment of crimes, whereof the party shall have been duly convicted : Provided always, that any person escaping into the same, from whom labor or services is lawfully claimed in any one of the original states,

such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her labor or service as aforesaid.

Done by the United States, in Congress assembled, the thirteenth day of July, in the year of our Lord one thousand seven hundred and eighty-seven, and of their sovereignty and independence the twelfth.

WILLIAM GRAYSON, Chairman.
CHARLES THOMPSON, Secretary.



AN ACT

For an amicable settlement of the limits with the state of Georgia, and authorizing the establishment of a government in the Mississippi Territory.

Sec. 1. *BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he hereby is authorised to appoint three commissioners ; any two of whom shall have power to adjust and determine with such commissioners as may be appointed under the legislative authority of the state of Georgia, all interfering claims of the United States and that state, to territory situate west of the river Chatohouchee, north of the thirty-first degree of north latitude, and south of the cession made to the United States by South Carolina : And also to receive any proposals for the relinquishment or cession of the whole or any part of the other territory claimed by the state of Georgia, and out of the ordinary jurisdiction thereof.*

Sec. 2. *And be it further enacted*, That all the lands thus ascertained as the property of the United States, shall be disposed of in such manner as shall be hereafter directed by law ; and the nett proceeds thereof shall be applied to the sinking and discharging the public debt of the United States, in the same manner as the proceeds of the other public lands in the territory north west of the river Ohio.

Sec. 3. *Be it further enacted*, That all that tract of country bounded on the west by the Mississippi ; on the north by a line to be drawn due east from the mouth of the Yasous to the Chatahouchee river ; on the east by the river Chatahouchee ; and on the south by the thirty first degree of north latitude, shall be, and hereby is constituted one district, to be called the Mississippi Territory : And the President of the United States is hereby authorised to establish therein a government in all respects similar to that now exercised in the territory north west of the river Ohio, excepting and including the last article of the ordinance made for the government thereof by the late Congress on the thirteenth day of July one thousand seven hundred and eighty seven, and by and with the advice and consent of the Senate, to appoint all the necessary officers therein, who shall respectively receive the same compensations for their services, to be paid in the same manner as by law established for similar officers in the territory north west of the river Ohio ; and the powers, duties, and emoluments of a superintendant of Indian affairs for the southern department, shall be united with those of governor : *Provided always*, That if the president of the United States should find it most expedient

to establish this government in the recess of Congress, he shall nevertheless have full power to appoint and commission all officers herein authorised ; and their commissions shall continue in force until the end of the session of Congress next ensuing the establishment of the government.

Sec. 4. *Be it further enacted*, That the territory hereby constituted one district for the purpose of government, may at the discretion of Congress be hereafter divided into two districts, with separate territorial governments in each, similar to that established by this act.

Sec. 5. *Be it further enacted*, That the establishment of this government shall in no respect impair the right of the state of Georgia, or of any person or persons either to the jurisdiction or the soil of the said territory, but the rights and claims of the said state and all persons interested are hereby declared to be as firm and available, as if this act had never been made.

Sec. 6. *And be it further enacted*, That from and after the establishment of the said government, the people of the aforesaid territory, shall be entitled to and enjoy all and singular the rights, privileges and advantages granted to the people of the territory of the United States, north-west of the river Ohio, in and by the aforesaid ordinance of the thirteenth day of July in the year one thousand seven hundred and eighty seven, in as full and ample a manner as the same are possessed and enjoyed by the people of the said last mentioned territory.

Sec. 7. *And be it further enacted*, That from and after the establishment of the aforesaid government, it shall not be lawful for any person or persons to import or bring into the said Mississippi Territory, from any port or place without the limits of the United States, or to cause or procure to be so imported or brought, or knowingly to aid or assist in so importing or bringing any slave or slaves, and that every person so offending, and being thereof convicted, before any court within the said territory, having competent jurisdiction, shall forfeit and pay, for each and every slave so imported or brought, the sum of three hundred dollars ; one moiety for the use of the United States, and the other moiety for the use of any person or persons who shall sue for the same ; and that every slave so imported or brought, shall thereupon become entitled to, and receive his or her freedom.

Sect. 8. *And be it further enacted*, That the sum of ten thousand dollars be, and hereby is appropriated for the purpose of enabling the President of the United States to carry into effect the provisions of this act ; and that the said sum be paid out of any monies in the treasury not otherwise appropriated.

JONATHAN DAYTON,

Speaker of the house of representatives.

TH : JEFFERSON,

*Vice-President of the United States,
and President of the Senate.*

Approved, April 7, 1798.

JOHN ADAMS,

President of the United States.

M



AN ORDINANCE

BY WILLIAM C. C. CLAIBORNE,

GOVERNOR OF THE MISSISSIPPI TERRITORY, EXERCISING THE POWERS OF GOVERNOR GENERAL AND INTENDANT OF THE PROVINCE OF LOUISIANA.

WHEREAS a number of Merchants and others have associated for the purpose of establishing a Bank of Discount, Deposit and Exchange in the City of New-Orleans, and have applied to me to sanction the same by an ordinance, to the end that the Stock holders in the said Bank may not individually be liable for any contracts made by the said Bank, and that the said Company may sue and be sued in their aggregate capacity for all debts which may be due to, or contracted by them.

And whereas, it appears to me that the said institution will tend greatly to the safety and ease of transacting mercantile business, will extend the commerce, improve the agriculture and promote the prosperity, of this province.

Therefore be it ordained that a Bank may be established in the City of New-Orleans, the capital stock whereof shall not at present exceed six hundred thousand dollars, divided into six thousand shares of one hundred dollars each, to be paid one fifth at the time of subscribing either in money or notes on demand at the discretion of the Commissioners and the remaining four fifths by such instalments as the Directors to be chosen in the manner herein after specified shall ap-

point, and that subscriptions shall be opened for the said shares on the sixteenth day of March instant, under the superintendance of Evan Jones, J. F. Merriault, Paul Lanusse, Wm. Garland, Edward Livingston, Peter Sauvé, Joseph Tricou, John Lanthois, Wm. Donaldson, Nicholas F. Girod, John M'Donnough, junr. Jerome La Chiapella, Benjamin Morgan, H. B. Trist, Michael Fortier, and Beverly Chew ; which said subscription shall continue open until the whole of the said capital stock shall be subscribed.

And be it further ordained, That all those who shall become subscribers to the said Bank, their successors and assigns shall be and they are hereby created a body corporate and politic by the name and style of the LOUISIANA BANK, and by that name shall be made capable at all times hereafter to purchase, receive, possess and enjoy all kinds of estate whatsoever whether real or personal to an amount not exceeding five hundred thousand dollars over and above their capital stock, and the same to grant, sell, demise and dispose of, and to sue and be sued, plead and be impleaded in courts of record and elsewhere and also to have and use a common seal and the same to break, alter and renew at their pleasure.

And be it further ordained, That for the well ordering the affairs of the said corporation there shall be fifteen Directors to be chosen out of the stockholders on the first Monday of January in every year, who shall enter into office on the Monday then next following, and that for the period previous to the second Monday in January in the year one thousand eight

hundred and five, Directors for the said Bank shall be chosen in manner following, that is to say : as soon as the sum of three hundred thousand dollars shall be subscribed, the commissioners herein before named shall appoint a time and place within the said city for proceeding to the election of fifteen directors and shall give notice thereof in at least one of the public newspapers printed in the said city, and it shall be lawful for such election to be then and there held by the subscribing stock-holders, or their proxies by ballot under the direction of the said commissioners or a majority of them, and the persons then and there chosen shall be the first directors and shall be capable of serving by virtue of such choice until the second Monday in January next, and that the said directors shall at their first meeting elect by ballot one of their number to be President, and in like manner all directors to be hereafter chosen shall on the second Monday in January in every year elect one of their number to be their President who shall continue in office for one year, and in all cases of vacancy in the office of director either by removal from the jurisdiction of the city, death, or resignation, before the first Monday of January in any year, the same may be filled up by the directors. And the said directors, for the time being shall have power to appoint all officers and servants under them and allow them and to the President of the said Bank such compensation for their services as they may deem reasonable, and shall make rules and regulations for their transaction of business and the good government of the affairs of the said corporation.—And shall twice in every year declare and pay a dividend of the profits,

or such proportion thereof arising on the said stock as they may deem advisable.

And be it further ordained, That the number of votes to which each stockholder shall be intitled shall be according to the number of shares he shall hold in the proportions following : that is to say—For one share and not more than four, one vote ; for five shares and not more than nine, two votes ; for ten shares and not more than fourteen, four votes ; for fifteen shares and not more than nineteen, six votes ; for twenty shares and not more than twenty four, eight votes ; for twenty five and not more than twenty nine, ten votes ; for thirty and not more than thirty four, twelve votes ; for thirty five and not more than thirty nine, fourteen votes ; for forty and not more than forty four, sixteen votes ; for forty five and not more than forty nine, eighteen votes ; for fifty and not more than fifty four, twenty votes ; for fifty five and not more than fifty nine, twenty two votes ; for sixty and not more than sixty four, twenty four votes ; for sixty five and not more than sixty nine, twenty six votes ; for seventy and not more than seventy four, twenty eight votes ; for seventy five and upwards, thirty votes ; and after the first election no share or shares shall confer a right of suffrage which shall not have been held three calendar months previous to the day of election, and that in all elections votes may be given either in person or by proxy according to such form as the directors shall establish.

And be it further ordained, That if there should be a failure in the payment of any part of any sum subscribed for any share or shares, by any person, co-part-

nership or body politic, the party failing shall lose and forfeit all prior payments by him or them made on such share or shares to the use of the said Bank.

And be it further ordained, That for the transaction of all business of the said corporation, requiring an act of the direction, except the making of discounts, seven directors, together with the President, or in case of his sickness or absence, some one director appointed by him shall be a quorum, and that for the making of discounts four directors and the president, or some one appointed by him, shall be a quorum.

And be it further ordained, That in case it should at any time happen that an election of directors should not be made upon any day, when pursuant to this ordinance it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved but it shall be lawful on any other day to hold and make an election of directors in such manner as shall have been regulated by the laws and ordinances of the said corporation.

And be it further ordained, That the stock of the said corporation shall be transferable according to such rules as shall be established by the directors, and that the bills and notes which may be issued by the said corporation, signed by the President and countersigned by the Cashier, promising the payment of money to any person, his or her order, or to bearer, shall be binding and obligatory upon the corporation though not under seal, and shall be assignable and negociable; that is to say, those which are payable to order, shall be assignable and negociable by endorsement; and

those which are payable to bearer, shall be negociable and assignable by delivery only.

And be it further ordained, That whenever the directors shall deem it expedient, they may increase the capital stock of the said corporation to two millions of dollars, and may subscribe or cause the same or any part thereof to be subscribed in such manner and on such terms as to them may seem expedient, which increase of capital to be subscribed, shall constitute part of the capital stock of the said corporation, and shall be transferable in like manner and be liable to the same regulations which are prescribed for the shares of the said capital stock.

And be it further ordained, That the said corporation shall not directly or indirectly deal or trade in any thing except Promissory Notes, Bonds, Mortgages, Bills of Exchange, Gold or Silver Bullion or in the sale of goods, lands, stock in the public funds, or effects pledged for money lent or in the produce of such lands.

And be it further ordained, That this ordinance shall continue in force for a period not exceeding sixteen years from the date hereof, unless the same shall be renewed, by the proper constituted authorities.

Given under my hand, and the seal of the administration, at the city of New-Orleans, the 12th day of March, 1804, and the 28th year of American Independence.

WILLIAM C. C. CLAIBORNE.

By the Governor,

JOS : BRIGGS, *P. Sec. pro. tem.*

AN ORDINANCE

BY WILLIAM C. C. CLAIBORNE,

GOVERNOR OF THE MISSISSIPPI TERRITORY, EXERCISING THE POWERS OF GOVERNOR GENERAL AND INTENDANT OF THE PROVINCE OF LOUISIANA.

BE IT ORDAINED, That there shall be appointed a proper person to take charge of estates of such intestates as are herein after described, which person so to be appointed shall immediately give notice of his appointment in all the public newspapers printed in the city of New-Orleans, and shall, before he enters upon the duties of his office, give bond in the sum of ten thousand dollars, with two or more sufficient securities to the satisfaction of the governor, conditioned for the faithful performance of the duties prescribed by this Ordinance, and shall also take an oath of office.

And be it further ordained, That whenever any person who shall not have resided in this city for more than two years, shall die intestate, without leaving a father, mother, husband, or wife, a child, brother or sister, of full age, resident in the city aforesaid, all the goods and chattels, rights and credits of such person, shall immediately after his or her death be vested in, and shall be taken possession of by the officer to be appointed by virtue of the first section of this Ordinance ; in trust to preserve, safely keep, and deliver

the same to such person as shall obtain letters of administration on the estate of such intestate ; and that it shall be the duty of such officer as soon as any such intestate shall die in the said city or its jurisdiction, to take possession of all the personal property whatever, whereof he or she may die possessed, and make an inventory, and estimation of the value thereof, in the presence of two credible witnesses ; the estimation to be assented to by the witnesses ; one copy whereof shall within fifteen days after the death of such intestate, be deposited with the clerk of the highest court of jurisdiction in the province, and another delivered to the administrator when he shall be legally appointed.

And be it further ordained, That the said officer shall pay (if the property of the deceased be sufficient) all the funeral charges of the intestate, his physician's bill, and other expenses which may have been incurred during the intestate's last illness, and for that purpose may sell and dispose of so much of the said property as will be necessary to pay the same, and the said officer shall receive a commission of five per cent on the value of all the property which shall come to his hands by virtue hereof to be applied to his own use as a compensation for his care and attention in collecting, preserving and delivering over the said property.

And be it further ordained, That the said officer shall and may dispose of any perishable articles belonging to the estate, and sue for such debts or for the recovery of such property belonging thereto, as there may

the danger of losing by delay : and that in all suits so to be brought he shall style himself special administrator of the deceased, and that such suit shall not abate by the granting of letters of administration, but shall be prosecuted to judgment by the special administrator, he retaining a sufficient sum to answer the expenses of the suit, and the proceeds paid over as this Ordinance directs with respect to the other property of the deceased. And that within thirty days after the granting of letters of administration, the special administrator shall pay and deliver over to the administrator (or to the executor in case a Will be discovered before the granting of letters of administration) all the money, goods, chatte's and rights which shall have come to his hands, together with the inventory of the same, and a true account of his receipts and expenditures, and that whenever letters of administration or letters testamentary are granted the same shall relate to the time of the death of the testator except as to acts lawfully done by the special administrator, by virtue of this Ordinance, which shall in no sort be invalidated thereby.

And be it further ordained, That every person at whose house such intestate may die, shall within twenty-four hours after his or her death, give notice thereof verbally or in writing to the special administrator to be appointed by virtue of this Ordinance, and shall deliver over to him on demand, all the property in his or her possession, of which the said intestate died possessed, and every person neglecting to give such notice, or deliver such property, shall forfeit for the

use of the city fifty dollars for every such neglect, and shall moreover forfeit double the value of the property so refused to be delivered, to be sued for and recovered by the said special administrator, for the benefit of the heirs of the said intestate.

Provided nothing herein contained, shall be construed as applying to persons dying in the army or navy of the United States ;—And provided also that in all cases where property has been consigned to any person engaged in commerce in this city by the person dying intestate, then the person engaged in commerce as aforesaid, shall hold such consignments, and shall duly account for the same.

Given under my hand, and the seal of the administration, at the city of New Orleans, the seventh day of September, 1804, and in the 29th year of the Independence of the United States.

WILLIAM C C. CLAIBORNE,

By the Governor,

JOS: BRIGGS, *P. Sec'y.*

ACTS
OF
CONGRESS RELATIVE TO
LAND CLAIMS,
IN THE
TERRITORY OF ORLEANS.



ACTS OF CONGRESS
RELATIVE TO
LAND CLAIMS
IN THE
TERRITORY OF ORLEANS.

AN ACT

For ascertaining and adjusting the titles and claims to land, within the territory of Orleans, and the district of Louisiana.

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That any person or persons, and the legal representatives of any person or persons, who on the first day of October, in the year one thousand and eight hundred, were resident within the territories ceded by the French Republic to the United States, by the treaty of the 30th of April, one thousand eight hundred and three, and who had prior to the said first day of October, one thousand eight hundred obtained from the French or Spanish governments respectively, during the time either of the said governments had the actual possession of the said territories, and duly registered warrant, or order of survey for lands lying within the said territories, to which the Indian title had been extinguished, and which were on that day actually inhabited and cultivated by such person or persons, or for his or their use, shall be confirmed in their claims to such lands in the same manner as if their titles had been completed ; Provided however,

That no such incomplete title shall be confirmed, unless the person in whose name such warrant or order of survey had been granted, was at the time of its date, either the head of a family, or above the age of twenty one years ; nor unless the conditions and terms on which the completion of the grant might depend, shall have been fulfilled.

Sec. 2. *And be it further enacted*, That to every person or to the legal representative or representatives of every person, who being either the head of a family or twenty one years of age, had prior to the twentieth day of December, one thousand eight hundred and three, with the permission of the proper Spanish officer, and in conformity with laws, usages, and customs of the Spanish government, made an actual settlement on a tract of land within the said territories, not claimed by virtue of the preceding section, or of any Spanish or French grant made and completed before the first day of October, one thousand eight hundred, and during the time the government which made such grant had the actual possession of the said territories, and who did on the said twentieth day of December, one thousand eight hundred and three, actually inhabit and cultivate the said tract of land ; the tract of land thus inhabited and cultivated shall be granted : *Provided however*, That not more than one tract shall be thus granted to any person, and the same shall not contain more than one mile square, together with such other and further quality as heretofore has been allowed for the wife and family of such actual settler, agreeably to the laws, usages and customs of the Spanish government : *Provided also*, That this donation shall

not be made to any person who claims any other tract of land in the said territories by virtue of any French or Spanish grant.

Sec. 3. *And be it further enacted,* That for the purpose of more conveniently ascertaining the titles and claims to land in the territory ceded as aforesaid, the territory of Orleans shall be laid off into two districts, in such manner as the President of the United States shall direct : in each of which he shall appoint, in the recess of the senate, but who shall be nominated at their next meeting for their advice and consent, a register, who shall receive the same annual compensation, give security in the same manner, and in the same sums, and whose duties and authorities shall in every respect be the same in relation to the lands which shall hereafter be disposed of at their offices, as are by law provided with respect to the registers in the several offices established for the disposal of the lands of the United States, north of the river Ohio and above the mouth of Kentucky river. The President of the United States shall likewise appoint a recorder of land titles in the district of Louisiana, who shall give security in the same manner and in the same sums, and shall be entitled to the same annual compensation, as the registers of the several land offices.

Sec. 4. *And be it further enacted,* That every person claiming lands in the above-mentioned territories, by virtue of any legal French or Spanish grant, made and completed before the first day of October one thousand eight hundred, and during the time the government which made such grant, had the actual possession of the territories, may, and every person clai-

ming lands in the said territories, by virtue of the two first sections of this act, or by virtue of any grant or incomplete title bearing date subsequent to the first day of October, one thousand eight hundred, shall before the first day of March one thousand eight hundred and six, delivered to the register of the land office, or recorder of land titles, within whose district the land may be, a notice in writing, stating the nature and extent of his claims, together with a plat of the tract or tracts claimed ; and shall also, on or before that day, deliver to the said register or recorder, for the purpose of being recorded, every grant, or order of survey, deed, conveyance, or other written evidence of his claim ; and the same shall be recorded by the register or recorder, or by the translator hereinafter mentioned, in books to be kept by them for that purpose, on receiving from the parties at the rate of twelve and a half cents for every hundred words contained in such written evidence of their claim : *Provided however*, That where lands are claimed by virtue of a complete French or Spanish grant as aforesaid, it shall not be necessary for the claimant to have any other evidence of his claim recorded, except the original grant or patent, together with the warrant or order of survey and the plat, but all the other conveyances or deeds shall be deposited with the register or recorder to be by them laid before the commissioners hereinafter directed to be appointed, when they shall take the claim into consideration. And if such person shall neglect to deliver such notice in writing of his claim, together with a plat as aforesaid, or cause to be recorded such written evidence of the same, all his right so far as the same is derived from the two first sections

of this act, shall become void, and forever thereafter be barred ; nor shall any incomplete grant, warrant, order of survey, deed of conveyance, or other written evidence which shall not be recorded as above directed, ever after be considered, or admitted as evidence in any court of the United States, against any grant derived from the United States. The said register and recorder shall commence the duties hereby enjoined on them, on or before the first day of September next, and continue to discharge the same, at such place in their respective districts, as the President of the United States shall direct.

Sect. 5. *And be it further enacted*, That two persons to be appointed by the president alone, for the district of Louisiana, and two persons, to be in the same manner appointed for each of the districts directed by this act to be laid off in the territory of Orleans shall together with the register or recorder of the district for which they may be appointed, be commissioners for the purpose of ascertaining within their respective districts the rights of persons claiming under any French or Spanish grant as aforesaid, or under the two first sections of this act. The said commissioners shall previous to their entering upon the duties of their appointments respectively, take and subscribe the following oath or affirmation before some person qualified to administer the same : “ I do solemnly swear (or affirm) that I will impartially exercise and discharge the duties imposed on me by an act of congress, entitled, ‘ An act for ascertaining and adjusting the titles and claims to lands within the territory of Orleans and the district of Louisiana’ to

the best of skill and judgment." It shall be the duty of the said commissioners to meet in their respective districts, at such place as the President shall have directed therein, for the residence of the register or recorder, on or before the first of day of December next, and they shall not adjourn to any other place, nor for a longer term than three days, until the first day of March, one thousand eight hundred and six, and until they shall have completed the business of their appointment. Each board, or a majority of each board, shall in their respective districts have power to hear and decide in a summary manner all matters respecting such claims, also, to administer oaths, to compel the attendance of, and examine witnesses, and such other testimony as may be adduced, to demand and obtain from the proper officer and officers, all public records in which grants of land, warrants, orders of survey, or any other evidence of claims to land, derived from either the French or Spanish governments may have been recorded : to take transcripts of such record or records, or of any part thereof, to have access to all other records of a public nature relative to the granting, sale, transfer, or titles of lands, within their respective districts ; and to decide in a summary way, according to justice and equity, on all claims filed with the register or recorder in conformity with the provisions of this act, and on all complete French or Spanish grants, the evidence of which though not thus filed may be found of record on the public records of such grants ; which decisions shall be laid before Congress, in the manner hereinafter directed, and be subject to their determination thereon : *Provided however,* That nothing in this act contained, shall be construed

so as to recognize any grant or incomplete title bearing date subsequent to the first day of October, one thousand eight hundred, or to authorise the commissioners aforesaid to make any decision thereon. The said boards respectively shall have power to appoint a clerk whose duty it shall be to enter into a book to be kept for that purpose, full and correct minutes of their proceedings and decisions, together with the evidence on which such decisions are made, which books and papers, on the dissolution of the boards, shall be deposited in the respective offices of the register of the land offices, or of the recorder of land titles of the district; and the said clerk shall prepare two transcripts of all the decisions made by the commissioners in favor of the claimants to land; both of which shall be signed by a majority of the said commissioners, and one of which shall be transmitted to the officer exercising in the the district the authority of surveyor general; and the other to the secretary of the treasury. It shall likewise be the duty of the said commissioners, to make to the secretary of the treasury a full report of all the claims filed with the register of the proper land office, or recorder of land titles, as above directed, which may have been rejected, together with the substance of the evidence adduced in support thereof and such remarks thereon as they may think proper; which reports together with the transcripts of the decisions of the commissioners in favor of the claimants, shall be laid by the secretary of the treasury before Congress, at their next ensuing meeting. When any Spanish or French grant, warrant, or order of survey, as aforesaid shall be produced to either of the said boards, for lands, which were not at

the date of such grant, warrant or order of survey, or within one year thereafter inhabit, cultivated, or occupied, by or for the use of the grantee; or whenever either of the said boards shall not be satisfied that such grant, warrant, or order of survey, did issue at the time when the same bears date, but that the same is antedated or otherwise fraudulent; the said commissioners shall not be bound to consider such grant, warrant or order of survey, as conclusive evidence of the title, but may require such other proof of its validity as they may deem proper—Each of the commissioners and clerks aforesaid shall be allowed a compensation of two thousand dollars in full for his services as such; and each of the said clerk shall previous to his entering on the duties of his office take and subscribe the following oath or affirmation—to wit: “I do solemnly swear (or affirm) that I will truly and faithfully discharge the duties of a clerk to the board of commissioners, for examining the claims to land as enjoined by the act of Congress, entitled, “An act for ascertaining and adjusting the titles and claims to land within the territory of Orleans and district of Louisiana.” Which oath or affirmation shall be entered on the minutes of the board.

Sec. 6. *And be it further enacted*, That the Secretary of the Treasury shall be, and he is hereby authorised to employ three agents, one for each board, and whose compensation shall not exceed one thousand five hundred dollars each, for the purpose of appearing before the commissioners in the behalf of the United States, to investigate the claims of lands, and to oppose all such as said agents may deem fraudulent and unfounded. It shall also be the duty of the said agent

for the District of Louisiana, to examine into and investigate the titles and claims, if any there be, to the lead mines within the said district, to collect all the evidence within his power, with respect to the claims to, and value of the said lead mines, and to lay the same before the commissioners, who shall make a special report thereof, with their opinions thereon, to the secretary of the treasury, to be by him laid before Congress at their next ensuing session. The said Board of Commissioners shall each be authorised to employ a translator of the Spanish and French languages, to assist them in the dispatch of the business which may be brought before them, and for the purpose of recording Spanish and French grants, deeds, or other evidences of claims on the Register's books. The said translator shall receive, for the recording done by him, the fees already provided by law, and may be allowed not exceeding fifty dollars, for every month he shall be employed: *Provided*, that the whole compensation, other than that arising from fees, shall not exceed six hundred dollars.

Sec. 7. *And be it further enacted*, That the powers vested by law in the Surveyor of the lands of the United States, south of the state of Tennessee, shall extend over all the public lands of the United States, to which the Indian title has been, or shall hereafter, be extinguished, within the said Territory of Orleans; and it shall be the duty of the said Surveyor to cause such of the said lands, as the President of the United States shall expressly direct, to be surveyed and divided, as nearly as the nature of the country will admit, in the same manner and under the same regulations as

is provided by law, in relation to the lands of the United States North West of the river Ohio, and above the mouth of Kentucky river.

Sec. 2. *And be it further enacted*, That the location or locations of land which Major-General La Fayette is by law authorised to make on any lands, the property of the United States, in the Territory of Orleans, shall be made with the register or registers of the land offices established by this act in the said territory : the surveys thereof shall be executed under the authority of the Surveyor of the lands of the United States south of Tennessee ; and a patent or patents therefor shall issue on presenting such surveys to the Secretary of the Treasury, together with a certificate of the proper register or registers, stating that the land is not rightfully claimed by any other person : *Provided*, that no location or survey made by virtue of this section shall contain less than one thousand acres, nor include any improved lands or lots, salt spring or lead mine.

Sec. 9. *And be it further enacted*, That a sum not exceeding fifty thousand dollars, to be paid out of any unappropriated monies in the treasury, be, and the same is hereby appropriated for the purpose of carrying this act into effect.

NATHANIEL MACON,

Speaker of the House of Representatives.

A. BURR,

*Vice President of the United States
and President of the Senate.*

March 2, 1805—Approved.

TH : JEFFERSON.

AN ACT

Supplementary to an act, intituled, "An act for ascertaining and adjusting the titles and claims to land, within the territory of Orleans, and the district of Louisiana.

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That every person or persons claiming a tract of land by virtue of the second session of the act, to which this act is a supplement, and who had commenced an actual settlement on such tract, prior to the first day of October, one thousand eight hundred, and had continued actually to inhabit and cultivate the same, during the term of three years from the time when such actual settlement had commenced, and prior to the twentieth day of December, eighteen hundred and three, shall be considered as having made such settlement with the permission of the proper Spanish officer, altho' it may not be in the power of such person or persons to produce sufficient evidence of such permission.

Sec. 2. And be it further enacted, That every person or persons rightfully claiming a tract of land, not exceeding six hundred and forty acres, by virtue of the act, to which this is a supplement, shall be confirmed in his or their claims, if otherwise embraced by the provisions of the said act, although the person or persons, under whom the claim or claims originated were not at the time when the same originated above the age of twenty one years : Provided, That the tract of

land thus claimed, had been for the space of ten consecutive years, prior to the twentieth day of December, eighteen hundred and three, in the quiet possession of, and actually inhabited and cultivated by such person or persons, or for his or their use.

Sec. 3. *And be it further enacted*, That the time fixed by the act to which this act is a supplement, for delivering to the register of the proper land office, notices in writing, and the written evidences of claims to land in the territory of Orleans, be, and the same is hereby extended, 'till the first day of January next; and persons delivering such notices and evidences, shall be entitled to the same benefits as if the same had been delivered prior, to the first March last; but the rights of such persons, as shall neglect so doing, within the time limited by this act, shall be barred, and the evidences of their claims never after admitted as evidence, in the same manner as had been provided by the fourth section of the act, to which this act is a supplement, in relation to claims, notices, and written evidences of which, should not be delivered, prior to the said first day of March last.

Sec. 4. *And be it further enacted*, That the registers of the land offices in the territory of Orleans, respectively, be, and they are hereby authorised to appoint so many deputies, not exceeding one for each county in their respective districts, as they may think necessary; whose duty it shall be to receive and enter and file notices, record written evidences of claims to lands lying in the county or counties, to them respectively assigned, in the same manner as the regis-

ter might do, and also to transmit to the register the said notices and evidence, or such transcripts of, or abstracts of the same, as the said register or the commissioners may direct ; and generally to do and perform all such acts in relation to such claims, as the said register may direct. Persons having claims to land, may deliver the notices and evidences of the same, at their option, either to the register of the proper land office or to his deputy for the county in which such land lies : and each of the said deputies shall be entitled to receive the recording fees allowed to the register by the act to which this act is a supplement and in addition thereto, (or a compensation of five hundred dollars in full for all his services,) at the rate of one dollar for every claim filed with him, to be paid out of the monies appropriated for carrying into effect the act to which this act is a supplement.

Sec. 5. And be it further enacted, That the commissioners appointed for the purpose of ascertaining the rights of persons claiming lands in the Territory of Orleans, shall, in their respective districts, have the same powers, and perform the same duties, in relation to the claims thus filed before the first day of January next, as if notice of the same had been given before the first day of March last, and as was provided by the act to which this act is a supplement, in relation to the claims therein described. Transcripts of the decisions of the said commissioners, and reports of the claims filed in conformity with the provisions of this act, shall be made and transmitted, as was provided by this act to which this act is a supplement, in relation to the claims therein described. It shall like

wise be the duty of the said commissioners, to enquire into the nature and extent of the claims which may arise from a right, or supposed right, to a double or additional concession heretofore made, or from grants or concessions on the back of grants or concessions heretofore made to minors, and not embraced by the provisions of this act ; or from grants or concessions made by the Spanish government subsequent to the first day of April, one thousand eight hundred, for lands which were actually settled and inhabited on the 28th day of December, one thousand eight hundred and three ; and to make a special report thereon to the Secretary of the Treasury, which report shall be by him laid before Congress at their next ensuing session. And the lands which may be embraced by such report, shall not be otherwise disposed of, until a decision of Congress shall have been had thereupon.

Sec. 6. And be it further enacted, That each of the registers aforesaid, shall, in addition to his other emoluments, receive a compensation of five hundred dollars, for the services to be performed under this act prior to the first day of January next ; and each of the commissioners aforesaid, shall receive at the rate of six dollars a day for every day's actual attendance on the duties of his office, subsequent to the first day of January next : *Provided*, that the whole amount of compensation thus allowed, shall not for any commissioner exceed two thousand dollars ; And *provided also*, that the President of the United States may, if he shall think proper, reduce, after the first day of Jan-

uary next, the number of commissioners on either or both boards, to one or two persons, and in case of such reduction, the commissioner or commissioners constituting the board, shall have the same powers which are vested by this act, or by the act to which this act is a supplement, in the board established by the act to which this act is a supplement. The clerk of each of the boards shall be entitled to receive at the rate of fifteen hundred dollars a year ; translators at the rate of six hundred dollars a year, and the agents employed by the Secretary of the Treasury at the rate of fifteen hundred dollars a year, from the first day of January next, to the time when each board shall respectively be dissolved : *Provided*, that no more than one year's compensation be thus allowed to each of the said clerks, translators and agents ; *and provided also*, that the Secretary of the Treasury may discontinue either one or both of the said agents whenever he shall think it proper.

Sec. 7. *And be it further enacted*, That the commissioners appointed for the purpose of ascertaining the rights of persons claiming lands in the territories of Orleans and Louisiana, be and they are hereby authorised, if they shall think it necessary, for the purpose of obtaining oral evidence, either in support of, or in opposition to claims, which evidence could not be given at the usual place of their sittings, without oppression to the parties or witnesses, to remove their sittings, or to send for that purpose, one or more members of the board, to such other place or places within their respective districts as they may think necessary : And each of the commissioners going for that pur-

pose to such other place or places, shall in addition to his compensation, receive at the rate of six dollars for every twenty miles going to and returning from such place or places : *Provided*, that no commissioner shall receive in the whole on that account, more than for the distance from the usual place of the sittings of the board to the extreme settlements within his respective district.

Sec. 8. *And be it further enacted*, That each of the boards aforesaid, shall prepare and cause to be prepared, the reports and transcripts, which by law they are directed to make to the secretary of the treasury in conformity with such forms as he may prescribe, and they shall also in their several proceedings and decisions, conform to such instructions, as the said secretary may with the approbation of the president of the United States, transmit to them in relation thereto.

Sec. 9. *And be it further enacted*, That the surveyor of the public land, south of Tennessee be, & he is hereby directed, to appoint a principal deputy for each of the two land districts of the territory of Orleans, whose duty it shall be to reside and keep an office in the said districts respectively, to execute or cause to be executed by the other deputies, such surveys as have been or may be authorised by law, or as the commissioners aforesaid may direct ; to file and record all such surveys, to form as far as practicable connected drafts of the lands granted in the district, so as to exhibit the lands remaining vacant, and generally to perform in such districts respectively, in conformity with the regulations and instructions of the said surveyor of the

public lands south of the state of Tennessee, the duty imposed by law on said surveyor. And each of the said principal deputies, shall receive an annual compensation of five hundred dollars, and in addition thereto, the following fees, that is to say : for examining and recording the surveys executed by any of the deputies, at the rate of twenty five cents for every mile of the boundary line of such survey ; and for a certified copy of any plot of a survey in the office twenty five cents.

Sec. 10. *And be it further enacted,* That the president of the United States be, and he is hereby authorised, whenever he shall think it proper, to appoint a receiver of public monies for the western district of the territory of Orleans, who shall receive the same annual compensation, give security in the same manner and in the same sums, and whose duties and authorities shall in every respect be the same in relation to the lands which shall hereafter be disposed of at their offices, as are by law provided with respect to the receivers of public monies, in the several offices established for the disposal of the lands of the United States, north of the river Ohio, and above the mouth of Kentucky river. And the said receiver and the register of the land office, for the said district shall, whenever the public lands within the same shall be offered for sale, be entitled to the same commissions and fees which are by law respectively allowed to the same officers north of the river Ohio, and above the mouth of Kentucky river.

Sec. 11. *And be it further enacted,* That the presi-

dent of the United States be and he is hereby authorised whenever he shall think it proper to direct so much of the public lands laying in the western district of the territory of Orleans as shall have been surveyed in conformity with the provisions of the act to which this act is a supplement, to be offered for sale. All such lands shall with the exception of the section 'number sixteen' which shall be reserved in each township for the support of schools within the same; with the exception also of an entire township to be located by the secretary of the treasury, for the use of a seminary of learning, and with the exception also of the salt springs and lands contiguous thereto, which by direction of the president of the United States, may be reserved for the future disposal of the said states, shall be offered for sale to the highest bidder, under the direction of the register of the land office, of the receiver of public monies, and of the principal deputy surveyor; and on such day or days, as shall, by a public proclamation of the president of the United States be designated for that purpose. The sales shall remain open for three weeks and no longer; the lands shall be sold for a price not less than that which has been or may be fixed by law, for the public lands in the Mississippi territory, and shall in every other respect be sold in tracts of the same size, on the same terms and conditions as have been, or may be by law provided for the lands sold in the Mississippi territory. The superintendants of the said public sales, shall receive six dollars each for each day's attendance on the said sales. All lands, other than the reserved sections, and those excepted as above mentioned, remaining unsold at the closing of the public sales, may be disposed of at pri-

vate sale, by the register of the land office in the same manner, under the same regulations, for the same price and on the same terms and conditions as are, or may be provided by law for the sale of the lands of the United States, in the Mississippi territory.—And patents shall be obtained for all lands granted or sold in the territory of Orleans, in the same manner and on the same terms, as is, or may be provided by law, for lands sold in the Mississippi territory.

Sec. 12. *And be it further enacted*, That the location or locations of land, which may be made in the the territory of Orleans, by major general La Fayette, by virtue of the ninth section of the act, to which this act is a supplement shall and may be received, though containing less than one thousand acres :—*Provided*, that no such location or survey, shall contain less than five hundred acres.

Sec. 13. *And be it further enacted*, That the secretary of the treasury be authorised to cause a survey to be made of the sea coast of the territory of Orleans, from the mouth of the Mississippi to Vermillion Bay, inclusively, and as much further westwardly as the president of the United States shall direct, and also of the bays, inlets, and navigable waters connected therewith : *Provided*, That the expense of such survey shall not exceed five thousand dollars.

Sec. 14. *And be it further enacted*, That a sum not exceeding twenty thousand dollars, in addition to the sum appropriated by the act to which this act is a supplement, and to be paid out of any unappropriated mo-

dies in the treasury, be, and the same is hereby appropriated for the purpose of carrying this act into effect.

NATHL. MACON,
Speaker of the House of Representatives.

S. SMITH,
President of the Senate pro tempore.

April 21, 1806—Approved.

TH: JEFFERSON.



AN ACT,

*Respecting claims to land, in the territories of Orleans,
and Louisiana.*

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That so much of the first section of the act entitled "An act for ascertaining and adjusting the titles and claims to land within the territory of Orleans and the district of Louisiana," as provides that no incomplete title shall be confirmed, unless the person in whose name the warrant or order of survey had been granted, was at the time of its date either the head of a family, or above the age of twenty one years, be and the same is hereby repealed.

Sec. 2. *And be it further enacted,* That any person or persons, and the legal representative of any person or persons, who, on the twentieth day of December, one thousand eight hundred and three, had for ten consecutive years, prior to that day, been in posses-

sion of a tract of land, not claimed by any other person, and not exceeding two thousand acres, and who were on that day resident in the territory of Orleans or Louisiana, and had still possession of such tract of land, shall be confirmed in their titles to such tract of land ; *Provided*, That no claim to a lead mine, or salt spring shall be confirmed merely by virtue of this section : *And provided also*, That no more land shall be granted by virtue of this section than is actually claimed by the party, nor more than is contained within the acknowledged and ascertained boundaries of the tract claimed.

Sec. 5. *And be it further enacted*, That the claim of the corporation of the city of New-Orleans, to the commons adjacent to the said city, and within six hundred yards from the fortifications of the same, be, and the same are hereby recognized and confirmed : *Provide* *l*, That the said corporation shall within six months after passing this act, relinquish and release any claim they may have to such commons, beyond the distance of six hundred yards aforesaid ; *Provided also*, That the corporation shall reserve for the purpose, and convey gratuitously for the public benefit to the company authorised by the legislature of the territory of Orleans, as much of the said commons as shall be necessary to continue the canal of Carondelet from the present basin to the Mississippi, and shall not dispose of, for the purpose of building thereon, any lot within sixty feet of the space reserved for a canal, which shall forever remain open as a public highway ; *And provided also*, That nothing herein

contained shall be construed to affect or impair the rights of any individuals to the said commons, which are derived from any grant of the French or Spanish government.

Sec. 4. *And be it further enacted*, That the commissioners appointed or to be appointed for the purpose of ascertaining the rights of persons claiming land in the territories of Orleans and Louisiana, shall have full power to decide according to the laws and established usages and customs of the French and Spanish governments, upon all claims to lands within their respective districts, where the claim is made by any person or persons, or the legal representatives of any person or persons, who were on the twentieth of] December, one thousand eight hundred and three, inhabitants of Louisiana, and for a tract not exceeding the quantity of acres contained in a league square, and which does not include either a lead mine or salt spring, which decision of the commissioners when in favor of the claimant shall be final, against the United States, any act of congress to the contrary notwithstanding.

Sec 5. *And be it further enacted*, That the time fixed by the act above mentioned, and by the acts supplementary to the same, and for delivering to the proper register or recorder, notices in writing and the written evidences of claims to land, be, and the same is hereby extended, for the territories of Orleans and Louisiana, till the first day of July, one thousand eight hundred and eight, and persons delivering such notices and evidences shall be entitled to the same benefit as if the same had been delivered within the time

limited by the former acts ; but the rights of such persons as shall neglect so doing within the time limited by this act, shall, so far as they are derived from or founded on any act of congress, ever after be barred and become void, and the evidences of their claims never after admitted as evidence in any court of law or equity whatever.

Sec. 6. *And be it further enacted*, That the commissioners appointed or to be appointed for the purpose of ascertaining the rights of persons claiming lands in the territories of Orleans and Louisiana, shall respectively transmit to the secretary of the treasury and to the surveyor general, or officer acting as surveyor general, transcripts of the final decisions made in favor of claimants by virtue of this act, and they shall deliver to the party a certificate stating the circumstances of the case, and that he is entitled to a patent for the tract of land therein designated, which certificate shall be filed with the proper register or recorder, within twelve months after date. And the register or recorder shall thereupon (a plat of the tract of land therein designated, being previously filed with him or transmitted to him by the officer acting as surveyor general in the manner hereinafter provided,) issue a certificate in favor of the party, which certificate being transmitted to the secretary of the treasury, shall entitle the party to a patent to be issued in like manner, as is provided by law for the issuing of patents for public lands lying in other territories of the United States.

Sec. 7. *And be it further enacted*, That the tracts of land thus granted by the commissioners shall be sur-

vered at the expense of the parties, under the direction of the surveyor general or officer acting as surveyor general, in all cases where an authenticated plat of the land as surveyed under the authority of the officer acting as surveyor general under the French, Spanish, or American governments respectively, during the time either of the said governments had the actual possession of the said territories of Orleans and Louisiana, shall not have been filed with the proper register or recorder, or shall not appear of record on the public records of the said territories of Orleans and Louisiana. The said commissioners shall also be authorised whenever they may think it necessary to direct the surveyor general, or officer acting as such, to cause any tract of land already duly surveyed to be resurveyed at the expense of the United States. And the surveyor general, or officer acting as such shall transmit general and particular plats of the tracts of land thus surveyed, to the proper register or recorder, and shall also transmit copies of the said plats to the secretary of the treasury.

Sec. 8. *And be it further enacted*, That the commissioners aforesaid shall respectively report to the secretary of the treasury their opinion on all the claims to land within their respective districts, which they shall not have finally confirmed by the fourth section of this act. The claims shall in the said report or reports be arranged into three general classes, that is to say : First, Claims which in the opinions of the commissioners ought to be confirmed, in conformity with the provisions of the several acts of congress, for ascertaining and adjusting the titles and claims to

land within the territories of Orleans and Louisiana ; secondly, claims which though not embraced by the provisions of the said acts, ought nevertheless in the opinion of the commissioners to be confirmed in conformity with the laws, usages and customs of the Spanish government ; thirdly, claims which neither are embraced by the provisions of the said act, nor ought in the opinion of the commissioners to be confirmed in conformity with the laws, usages and customs of the Spanish government ; and the said report and reports being in other respects made in conformity with the forms prescribed according to law, by the Secretary of the Treasury, shall by him be laid before Congress for their final determination thereon, in the manner and at the time heretofore prescribed by law for that purpose.

Sec. 9. *And be it further enacted*, That the following allowances and compensations shall be made to the several officers herein after mentioned, that is to say, to the principal deputy of the surveyor general, for the district of Louisiana, at the rate of five hundred dollars a year, from the time he entered into the duties of his office, in addition to the fees which he is entitled to receive by law. To the register of the western district of the Orleans territory, and to the clerk of the board of commissioners for that district, one thousand dollars each, for their services as commissioners and clerk respectively, during the year one thousand eight hundred and six. To each of the deputy registers of the territory of Orleans, five hundred dollars in full for their services subsequent to the first day of January last, in addition to the fees to which

they are legally entitled. To each of the commissioners at the rate of two thousand dollars a year ; to each of the clerks of the boards, and to each of the agents employed by the secretary of the treasury at the rate of fifteen hundred dollars a year, and to each of the translators at the rate of six hundred dollars a year, to commence from the first day of July next, in the district of Louisiana, and from the first day of January next, in the territory of Orleans, and to continue to the time when each board shall be respectively dissolved : *Provided*. That no more than eighteen months compensation be thus allowed to the said commissioners, clerks and translators, and that the compensation of any such officer absenting himself from his district or failing to attend to the duties of his office, shall cease during such absence or failure.

NATHL. MACON,

Speaker of the House of Representatives.

S. SMITH,

President of the Senate, pro tempore.

March 3, 1807—Approved.

TH : JEFFERSON.

